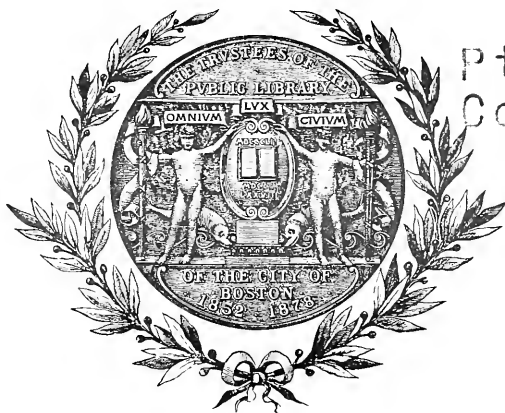


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CAPE COD NATIONAL SEASHORE PARK

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
Dec 29, 1961
EIGHTY-SIXTH CONGRESS
SECOND SESSION
ON
S. 2636

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF
CAPE COD NATIONAL SEASHORE PARK

WASHINGTON, D.C., JUNE 21, 1960

PART 2

Printed for the use of the Committee on Interior and Insular Affairs.



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CAPE COD NATIONAL SEASHORE PARK

TUESDAY, JUNE 21, 1960

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met pursuant to call, at 2 p.m., in room 3110, Senate Office Building, Senator Moss presiding.

Present: Senators Frank E. Moss (Utah), and Oren E. Long (Hawaii).

Senator Moss. The hearing will come to order.

This is a further public hearing on S. 2636, which is sponsored jointly by Senator Kennedy and Senator Saltonstall. The report which has been received from the Secretary of the Interior on S. 2636 will be made a part of the record at this point, along with the committee print of its bill which contains suggested changes in the bill.

(The bill and report referred to follow:)

[Committee print, June 11, 1960; S. 2636, 86th Cong., 2d sess.]

[Omit the part in black brackets and insert the part printed in *italic*.]

A BILL To provide for the establishment of Cape Cod National Seashore Park

Whereas the coastal and shoreline area on Cape Cod, Massachusetts, possesses unique cultural, scenic, historic, scientific, and recreational values; and

Whereas these values are an important and irreplaceable part of the heritage of the United States; and

Whereas these values should be preserved and enhanced for the benefit and inspiration of all of the people of the United States of present and future generations; and

Whereas an adequate and representative portion of Cape Cod should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the park").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts:

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary,

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and running due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alignment of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to the intersection of Old County Road and Mill Pond Road;

thence southerly along the easterly right-of-way line of Old County Road to Fisher Road;

thence westerly along the southerly right-of-way line of Fisher Road to the right-of-way line of the New York, New Haven, and Hartford Railroad;

thence southerly along the easterly right-of-way line of the railroad for three-tenths of a mile;

thence due west to a point in Cape Cod Bay one-quarter of a mile distant from the mean low-water line;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1949);

thence leaving Wellfleet Harbor and running three-tenths of a mile northwesterly to the top of a ridge between Herring River and the Chequesset Country Club *as depicted on the said Wellfleet quadrangle sheet*;

thence northeasterly along the said ridge continuing across Mill Creek on a straight line following in general a ridge and crossing the right-of-way of the New York, New Haven, and Hartford Railroad to a point two-tenths of a mile northeasterly thereof;

thence due north to a point three-tenths of a mile beyond the Bound Brook Island Road;

thence generally easterly following the southerly contour of a marsh, as depicted on the said Wellfleet quadrangle sheet crossing United States Route 6, and continuing to a point on the easterly right-of-way line of a power transmission line *as depicted on the said Wellfleet quadrangle sheet*;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line, crossing the Eastham-Wellfleet town line, to the intersection of said easterly right-of-way line with the easterly right-of-way of Nauset Road;

thence in a general southeasterly direction along said easterly right-of-way line of Nauset Road to the intersection of Nauset Road and Salt Pond Road;

thence crossing said Nauset Road and running along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of United States Route 6 to a point four-tenths of a mile southerly of the intersection of Locust Road and United States Route 6;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel *as depicted on the United States Geological Survey Orleans quadrangle sheet (1946)*;

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean *as depicted on the said Orleans quadrangle sheet*;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the [United States Geological Survey] *said Orleans quadrangle sheet [(1946)]*;

thence generally southerly along the said twenty-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly *around* Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the center line of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Also included in such area are lands located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the *mean low-water line* on the eastern shore of Morris Island;

thence northerly, westerly, and southerly [parallel to] *along* the mean low-water line [along the shore] of Morris Island and Stage Island to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other prop-

erty, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the park as [established under] *described pursuant to* section 3 of this Act (*both together hereinafter in this Act referred to as "such area"*). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section [11] 10 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market [value, provided that] *value: Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the [Secretary and may be based.] *Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.*

[(f) Notwithstanding any other provision of law, the Secretary is authorized to dispose of any buildings or structures acquired by him under this Act with respect to which no private right of use and occupancy exists, upon such terms and conditions, and with or without publicly advertising for bids, as he may deem to be in the interest of the United States.]

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of [not less than a total of six thousand acres of] *an acreage in the area described in section 1 of this [Act, which acreage] Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore Park [and shall declare such establishment]* by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the park which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or *certified* mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

[SEC. 4. (a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of his property for noncommercial residential purposes, for a term not to exceed twenty-five years or for a term ending at the death of such owner, whichever term he shall elect. In any case where such an owner retains a right of use and occupancy for such a fixed term of years, such right may during its existence be conveyed or leased, in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value

of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.】

Sec. 4. (a) (1) The beneficial owner or owners of improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur autre vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 6 of this Act and in effect on said date: Provided, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 6 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b) (1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly

adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section [6] 5 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the park.

[(d) As used in this Act, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this subsection referred to as "dwelling"), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. The amount of such adjoining property to be so designated by the Secretary shall in no case be less than three acres in area, or all of such lesser amount as there may be, except that the Secretary may exclude from the amount of adjoining property so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.]

(d) The term "improved property," wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: Provided, however, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

[SEC. 5. (a) It is the policy of the Congress that a reasonable amount of additional noncommercial residential development be permitted on property located within the park: *Provided*, That any particular such development would not, in the opinion of the Secretary, adversely affect or interfere with the preservation, development, and administration of such area for the purposes referred to in section 1 of this Act: *And provided further*, That such property is subject to a zoning bylaw approved by the Secretary, in accordance with the provisions of section 6 of this Act.

[(b) The Secretary shall, in conformity with the provisions of subsection (a) of this section, upon request made to him not later than five years after the date of enactment of this Act pursuant to any lawful vote of a town meeting of any town referred to in section 1 of this Act, which vote has been ratified by the Advisory Commission established by section 10 of this Act, designate in such town an amount of unimproved property for such development which, together with any previous such designations made by him or such town, shall not exceed in acreage 10 per centum of the total amount of privately owned property situated within the boundaries of the park and in such town. The authority of the Secretary to acquire by condemnation property so designated shall be suspended from the date of such designation during all times when such property is subject to such a zoning bylaw.

[SEC. 6. (a) As soon as practicable following the date of enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of town zoning bylaws for purposes of sections 4 and 5 of this Act. Any such bylaw which meets such standards shall be approved by the Secretary upon application made to him for such approval.]

Sec. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of

zoning bylaws for purposes of section 4 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaw submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) [Any zoning bylaw approved in accordance with subsection (a) of this section] The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the park which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes [of section 1] of this Act, of the area comprising the park, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in [the] a zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes [of section 1] of this Act, of the area comprising the park, or (2) fails to [make provision for the] have the effect of providing that the Secretary [to] shall receive notice of any variance granted under and any exception made to the application of such [bylaw, and notice of any amendment thereof] bylaw or amendment.

[(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended in accordance with the provisions of the Act, is made the subject of a variance under or an exception to any zoning bylaw applicable to such improved property so as to exempt it from any applicable standards contained in regulations issued pursuant to this section, the Secretary may, in his discretion, at any time after the date when such exception is made terminate the suspension of his authority to acquire such improved property by condemnation.]

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw (but if such bylaw has been amended at the time of the passage of the most recent amendment), or

(2) upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: Provided, however, That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the park.

SEC. [7] 6. The Secretary shall furnish to any interested person requesting the same, a certificate [indicating] indicating, with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this [Act] Act, that such authority has been so suspended and the reasons therefor.

SEC. [8] 7. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon

pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. [9]8. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (30 39 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b)(1) The Secretary shall develop for **[recreational]** *appropriate public* uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, **[horseback riding,]** boating, sailing, hunting, fishing, *the appreciation of historic sites and structures and natural features of Cape Cod*, and other recreational activities of similar nature. *The Secretary may also provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for that purpose.* Except for such **[recreational development]** *public use areas* and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act *or with the preservation of such historic sites and structures as he may designate.*

(2) In developing the park the Secretary **[shall, so far as practicable consistent with the provisions of paragraph (1) of this subsection, provide recreational and other facilities for the public]** *shall provide public use areas* in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and waters shall be a part of the park and shall be administered by the Secretary for **[recreational]** *public* uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the park *in such areas and under such regulations as he may prescribe*. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.

SEC. [10] 9. (a) There is hereby established a Cape Cod National Seashore Park Advisory Commission (hereinafter referred to as the Commission). *Said Commission shall terminate ten years after the date the park is established under section 3 of this Act.*

(b) The Commission shall be composed of nine members *each appointed for a term of two years* by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such [and shall serve at the pleasure of the official or officials recommending his appointment.] The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore Park, and shall consult with the members with respect to carrying out the provisions of sections [4, 5, and 6] *4 and 5* of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the [Commission] *Commission, and after its termination, without the advice of the board of selectmen of the town in which such property is located, if such advice is submitted within a reasonable time after it is sought.*

SEC. [11. (a)] 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than [\$15,000,000] *\$16,000,000* shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

[(b) Any revenues received by the United States as a result of the disposal by the Secretary of any building or structure, or part thereof, pursuant to the provisions of subsection (f) of section 2 of this Act shall be deposited in a special fund which the Secretary of the Treasury shall establish within the Treasury. All sums deposited in that fund shall be available to the Secretary of the Interior for disbursement by him in acquiring land and waters and improvements thereon, and interests therein, and in paying incidental costs relating thereto, in accordance with the provisions of this Act, and shall be disbursed upon certification by the Secretary of the Interior.]

SEC. [12] 11. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 18, 1960.

HON. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: Your committee has requested a report on S. 2636, a bill to provide for the establishment of Cape Cod National Seashore Park.

This Department has no objection to the enactment of the bill if it is amended to conform substantially to our suggested revision of S. 2010, dated April 15, 1960. However, we prefer the enactment of one bill authorizing the establishment of three seashore areas—Cape Cod, Padre Island, and Oregon Dunes.

The bill designates certain lands and waters as Cape Cod National Seashore Park and authorizes the Secretary of the Interior to acquire the lands and waters and other property by purchase, gift, condemnation, transfer from a Federal agency, exchange, or otherwise; but it excepts State and city or town owned lands from its land-acquisition provisions.

Under the provisions of S. 2636, homeowners within the area are permitted to reserve a right to a continued use and occupancy of their homes for a term of 25 years or for a term ending at the death of the owner, whichever term they elect. The bill also suspends the Secretary's condemnation power for a period of 1 year from date of enactment of the bill, requires the Secretary to issue regulations relating to town zoning bylaws, and provides for payments in lieu of taxes. Additionally, the bill grants contract authority to the Secretary for obligation of funds prior to appropriation, directs the Secretary to designate additional unimproved land in the Cape Cod National Seashore for residential development, and authorizes the disposition of structures acquired by the Federal Government but not required for purposes of the national seashore.

The Cape Cod National Seashore includes an area of exceptional scenic, natural, and historic interest. The combination of resources and the scenic, historic, and natural historic interest of the area are unique and are within easy reach of the great population centers of the eastern portion of the United States. The Department has concluded that the area encompassed in the bill is one of the better areas to preserve outstanding examples of seashore for public use and enjoyment.

If the Congress wishes to proceed with a separate bill for Cape Cod, we urge that the bill conform substantially to our suggested revision of S. 2010. Such conformance, relating to a bill for the separate establishment of Cape Cod, can be accomplished by amending our suggested revision of S. 2010 as follows:

1. On page 1, line 7, strike out the words "three national seashores" and substitute the words "the national seashore".
2. Delete subsections 2(c), 2(d), 2(e), 2(f), 2(g), and 2(h).
3. On page 19, line 6, strike out the word "areas" and substitute the word "area".
4. On page 19, line 6, strike out the word "lie" and substitute the word "lies".
5. On page 19, line 7, strike out the word "a" and substitute the word "the".
6. On page 20, line 5, strike out the word "each" and substitute the word "the".
7. Delete subsection 5(e).
8. Delete section 8(e).
9. Delete sections 10, 11, and 12.
10. On page 30, line 8, strike out the figure "13" and substitute the figure "10".
11. On page 30, line 10, strike out the figure "\$25,000,000" and substitute the figure "\$16,000,000".
12. On page 13, line 14, strike out the figure "14" and substitute the figure "11".

The estimated cost of acquiring the land for Cape Cod National Seashore Park is \$16 million. The man-years and cost data statement, required by the act of July 25, 1956, when annual expenditure of appropriated funds exceeds \$1 million, is enclosed.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

Subject matter: S. 2636, establishment of Cape Cod National Seashore Park

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Executive direction:					
Acquisition project manager.....	0.5	1.0	1.0	1.0	1.0
Assistant acquisition project manager.....	.5	1.0	1.0	1.0	1.0
Administrative assistant.....	1.0	1.5	2.0	3.0	1.0
Stenographic and clerical.....	1.0	1.5	2.0	3.0	2.0
Superintendent.....		1.0	1.0	1.0	1.0
Assistant superintendent.....				1.0	1.0
Total.....	3.0	6.0	7.0	10.0	7.0
Administrative services:					
Clerical.....			1.0	2.0	2.0
Administrative aid.....		1.0	1.0	1.0	1.0
Total.....		1.0	2.0	3.0	3.0
Substantive:					
Chief ranger.....				1.0	1.0
Ranger.....	.5	1.0	1.0	2.0	5.0
Lifeguards.....		2.0	2.0	3.0	5.0
Laborers and craftsmen.....		1.5	2.0	2.0	5.0
Engineer.....	.5	1.0	1.0	1.0	1.0
Architect.....	.5	1.0	1.0	1.0	1.0
Landscape architect.....	.5	1.0	1.0	1.0	1.0
Appraisers.....	1.0	2.0	2.0	2.0	
Stenographic.....	.5	1.0	1.0	1.0	
Total.....	3.5	10.5	11.0	14.0	19.0
Total, estimated additional man-years of civilian employment.....	6.5	17.5	20.0	27.0	29.0
Estimated additional expenditures:					
Personal services.....	\$35,100	\$94,500	\$108,000	\$145,800	\$156,600
All other.....	1,250,000	2,000,000	3,000,000	4,500,000	4,000,000
Total estimated additional expenditures.....	1,285,100	2,094,500	3,108,000	4,645,800	4,156,600
Estimated obligations:					
Land and property acquisitions.....	2,500,000	2,500,000	3,000,000	4,000,000	4,000,000
Development.....	50,000	109,000	109,000	159,000	179,000
Operations (management, protection and maintenance).....		50,000	50,000	85,000	125,000
Total estimated obligations.....	2,550,000	2,659,000	3,159,000	4,244,000	4,304,000

Senator Moss. Also, since hearings were held earlier on this bill the economic study relating to the proposed Cape Cod National Seashore Park has been completed. This and the covering letter from the Director of the Department of the Interior will be made a part of the record. (The letter and economic study referred to follow:)

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., March 31, 1960.

Mr. RICHARD L. CALLAGHAN,
Staff Director, Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CALLAGHAN: In reponse to your request we are pleased to send you herewith for the information and use of the Senate Committee on Interior and Insular Affairs and its staff a copy of the report, "An Economic Study Relating to the Proposed Cape Cod National Seashore Park, 1960," made by Economic Development Associates, Inc., of Boston, Mass., at the request of this Service. The report concerns the economic impact which establishment of a national park system area on Cape Cod might have upon the local communities.

In sending you this report, we call attention to the fact that it is still under study, and its publication should not be construed as either approval or disapproval of the conclusions and recommendations set forth therein.

This special economic study, undertaken principally to evaluate certain provisions in legislation now pending in Congress, is, of course, supplementary in nature and limited in scope, and does not attempt to weigh the national interest in seashore preservation on Cape Cod, or the local interest in other than economic terms. As you know, a thorough overall evaluation of the opportunity and need for seashore preservation on Cape Cod as a national undertaking, made during more than 2 years of study by the National Park Service, was reported upon last year.

Sincerely yours,

CONRAD L. WIRTH, *Director*.

ECONOMIC REPORT

PROPOSED

CAPE COD

NATIONAL SEASHORE PARK

NATIONAL PARK SERVICE - REGION FIVE

UNITED STATES DEPARTMENT OF THE INTERIOR

**Economic Development Associates, Inc.
359 Boylston Street
Boston, Massachusetts**

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1. INTRODUCTION

1(a) Objectives and Authorization of the Study

This study explores the economic impact of the proposed National Seashore Park on the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham - referred to collectively as the lower Cape. It is further designed to appraise the effects of the several provisions of Senate Bill 2636, 86th Congress, 1st Session, which is a bill to provide for the establishment of a Cape Cod National Seashore Park.

Specifically the objectives are as follows:

1. Forecast of the economic development of the lower Cape if no National Seashore Park is established.
2. Forecast of the economic development of the lower Cape if a National Seashore Park is established under the following conditions:
 - a. if residential and commercial development is restricted to areas outside of the proposed park boundaries.
 - b. if, within the park boundaries, an area equal to 10% of total private property is reserved for future residential development.
3. Determination of the necessity of reserving 10% of the private property within the park boundaries for future residential development.
4. Determine whether it is necessary to provide compensation for tax losses for property taken in fee simple by the Federal government as provided in S.2636.
5. Determine the economic impact of the proposed National Seashore Park on specific industries and service trades.

This study is the subject of a contract between Economic Development Associates and the National Park Service, U.S. Dept of the Interior, dated December 11, 1959.

1 (b) Analysis of substantive sections of S.2636, 86th Congress, 1st Session

(A Bill to Provide for the Establishment of a Cape Cod National Seashore Park).

Section 1 Describes the area and the boundaries proposed.

Section 2a Authorizes the Secretary of the Interior to acquire land and improvements within the park boundaries except property owned by the Commonwealth or its sub-divisions in which case the property can be acquired only with the concurrence of the owner. This is an important provision because of the extensive holdings of beach areas by the towns and the Commonwealth.

2b Allows expenditure of certain funds for purposes of property acquisition.

2c Restricts the Secretary from paying more than "fair market value".

Section 3a Secretary shall establish a Cape Cod National Seashore Park as soon as 6000 acres of the area has been acquired in an efficiently administrable form.

Section 4a Allows any owner of improved property to use it for non-commercial residential purposes for a period of twenty-five years or for a term ending at the death of the owner, whichever he shall elect. If the fixed term is elected the property may be leased or conveyed in whole for non-commercial residential uses. Compensation is at fair market value less the value of the right retained by the owner.

4b Secretary's right to seize improved property through condemnation suspended for one year after the enactment of this Bill and shall be suspended thereafter on any property subject to zoning by-laws approved by the Secretary.

4c Secretary may permit continued commercial industrial uses and his

right of condemnation is suspended for the duration of such permission.

- 4d Describes "improved property" and sets down the minimum of three acres of land to be considered as adjoining property for purposes of this act.

Section 5a Allows development of a limited amount of residential property on land within the park subject to approved zoning by-laws.

- 5b At the request of the town as expressed by vote in the town meeting and with the approval of the Advisory Commission (see Sec. 10) the Secretary shall designate an amount of unimproved property for residential development. Such land shall not exceed 10% of the area of privately owned property within the park.

Section 6 Describes zoning requirements to make property free from Secretary's powers of condemnation.

Section 8a Provides for payments in lieu of taxes for the balance of the year in which the taking is done and for two succeeding calendar years in the amount assessed during the year of taking.

- 8b Section 8(a) applies only to real estate and improvements taken in fee simple.

Section 9b Directs Secretary to develop recreation units but to permanently reserve the park as a primitive wilderness and not interfere with the enjoyment of their property by owners of improved property.

- 9d Hunting and fishing to be regulated by the Secretary except that the taking of shellfish shall be subject to the regulations of the town.

Section 10 Sets up a Cape Cod National Seashore Advisory Commission with six members appointed by the Secretary from nominations made by

each of the six boards of selectmen, two members from recommendations of the Governor and one member appointed directly by the Secretary. Secretary designates chairman, members to serve at the pleasure of the group recommending them, all members to be unpaid.

Section 11 Authorized the appropriation of \$15,000,000.

1 (c) Description of Objectives in Establishing the Park

The proposal for a National Seashore Park is the result of the Seashore and Recreation Area Survey of the Atlantic and Gulf Coasts. This survey was undertaken by the National Park Service, U.S. Dept. of the Interior and completed in 1955. As a result of this study further studies were made and concluded in 1958. The more recent study dealt with the geological, biological, archeological, scenic, and recreational aspects of the area. At that time the economic characteristics of the area were considered. This report covers the economic aspects.

The area under consideration embraces approximately 29,000 acres of land in Barnstable County in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham.

The basic concept governing the type of use and management of the proposed Cape Cod National Seashore Park is stated in the Act of 1916 which established the National Park Service of the Department of the Interior. This Act, the philosophy behind it and its application to Cape Cod is well expressed in the following memorandum from the National Park Service.

"The service thus established shall promote and regulate the use of Federal areas known as national parks, monuments and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (underscoring supplied)

"This concept has been translated into a body of basic policies, procedures and standards that are well established and that govern the work of the Service

throughout the nation. As applied to Cape Cod, these policies and standards call for the following approach to preservation and use.

1. Halt impairment of the natural and historic features.
2. Protect and preserve the natural features and retain the life and atmosphere of the seafaring era and historic Cape Cod.
3. Rehabilitate or restore features already impaired.
4. Keep to a minimum the disruption of the life of each town during and after the transitional period from existing land-uses to park-uses.
5. Cooperate closely with the adjacent towns in the planning of approaches and adjacent land area to assure that town and park relationship will be harmonious.
6. Provide for the use and enjoyment of the area through properly located facilities, interpretive and other visitor services, as described more fully below.

The protection of the proposed park area as a National Seashore Park would provide a continuing source of inspiration and enjoyment to the nation's people. The fascination of the sea and its seaside environment are intangible values. Be it called sightseeing, mental refreshment, aesthetic appreciation, or enhancing our educational concept of nature's revelations - this source of enjoyment will constitute the major activity.

Aside from these inspirational and educational values, but not isolated from them, are the recreational potentials. Swimming in the rich surf of the Atlantic or in the more subdued bayside waters, walking the endless beaches, hiking among the dunes, through the forests, and among the lakes, are pleasures that can be widely enjoyed. Opportunities are also excellent for bicycling trails, camping facilities, photography, sport fishing, sketching, bird-watching, research study of natural history, and hunting of migratory water fowl in designated areas in accordance with state regulations.

The planning and provision of visitor-use facilities for the proposed Cape Cod National Seashore Park as provided by S2636 would, from necessity, be a carefully considered and long-range program in view of existing uses and the continuation of many of these uses for a long time to come.

Several factors will guide the type, amount and location of uses permitted and these are provided for as discussed below.

The problems presented by the annual influx of visitors to Cape Cod are unavoidable, and with visitation increasing, as it surely is, these problems will multiply. The formulation of a comprehensive plan for dealing with this increasing use is essential. A National Seashore Park on the Cape would predicate such a plan - a plan designed to facilitate the orderly use and enjoyment of natural lands and historic features and provide a legal instrument for their protection, yet consider the rights of present property owners, towns and other developments. This protection would prevent abusive and indiscriminate human uses, as well as protect the area from natural destructive agencies. The ultimate objective of such a plan would be preservation with compatible use and enjoyment of the natural and historic features that are Cape Cod.

It is the policy and practice of the National Park Service to preserve outstanding scenic, scientific and historic features of high intrinsic value. Nevertheless, it is also committed to provide for the enjoyment of such features within the limits of good taste and decorum. For instance, a small kettle hole lake of great geologic interest would not be the site of a major use development. However, a modest trail for controlled access and an unobtrusive plaque for interpretation might be desirable. Features of a more fragile nature must be protected from undue wear; for example, ground cover composed of species of heather and caribou moss which forms a delightful patterned carpet on open slopes and beneath scattered pine trees. Most of these heaths

and lichens are too fragile to withstand the least amount of traffic. The beach grass, so important in holding the sand near the sea and among the dunes, may be able to withstand some abuse, but once it is worn down and uprooted, the sand is free to shift and move at will. On the cliffs, every movement of human feet up or down their slopes wears them back a little farther and wear on the slopes of the fresh water kettle hole lakes is even more devastating.

Each of these situations must receive individual attention in the plan for preservation and protection. In most cases, limitation of the type of use will be most important, but, in addition, channeling of use is also necessary. For instance, a delicate area of heath and lichen would be destroyed if camping, picnicking or similar uses were permitted. Channeling of foot travel would be necessary in the form of trails from which the public could enjoy the biotic display without physical harm to the area. In the case of dunes, indiscriminate use of beach buggies would soon destroy the vegetation growing on them, causing blow-outs and sand movement. The beach proper, however, is not likely to be damaged physically by normal recreation use. However, it will be important, except in areas of intensive public use areas, to make sure that nesting areas of water fowl are undisturbed and the peace and solitude preserved. It seems logical that beach buggies could be permitted in designated areas away from other recreation use and nesting areas, but limited to the beach and specified access points. Where it is not feasible to locate beach access points near sea level, the public should be channeled by topography, vegetation or artificial means to a ramp or series of steps leading to the beach below.

In certain areas, the preservation of historic structures and the evidence of earlier ways of living as associated with the colonial and seafaring eras of Cape Cod will be a prime objective. Preliminary studies made in 1959 by the National Park Service, Historic American Building Survey, located 65 houses

that might be considered in this category. More detailed studies will continue this year with measured drawings made of the most significant houses and more specific recording of data on others. Often these houses are grouped in such a way that their localities might be designated as historic districts, and plans will be directed toward perpetuating the historic and landscape values involved. We consider historic preservation an important element in the total park program.

It is the policy of the Service to provide campgrounds when they are essential for the proper use and enjoyment of the parks and when there exists adequate ground space to accommodate them without serious encroachment upon, or damage or threat to the preservation of important natural, scenic, aesthetic, geological, biological and historical values. The Service does not have authority, nor an obligation to provide for camping as a purely diversionary activity. Camping is permitted only in designated areas and usually with a time limitation of 15 days' camping by any one person or group within a campground, within any one year. In the case of Cape Cod National Seashore Park such facilities will be equally separated from existing private residential uses. The Service is not obligated to provide camping and picnic facilities for an unlimited demand, but only as it is consistent with space and good conservation practice. It is expected that camping facilities will be limited during the formative years of the park, and that space controls will be initiated to limit the number of campers to number of planned camp sites.

Concession developments that would compete with private industry will not be introduced within the park. Private industry outside the park will be relied on to furnish accommodations, lodging and related services.

The rich natural and historical heritage of Cape Cod will be of intense interest to future visitors. It is basic policy of the Service to provide interpretation of the basic values of each park to visitors. To make certain

that visitors to Cape Cod recognize, understand and appreciate the area to the fullest, an active educational program will be developed. This will include one or more Visitor Centers with museum displays and exhibits, informative publications, campfire program facilities, conducted nature walks and history walks, and self-guiding trails and tours including wayside exhibits. The object of these measures is to satisfy and increase visitor understanding and value of Cape Cod as a part of our American heritage.

The physiographic distribution of points of interest throughout the long ribbon-like area, offers an excellent opportunity to separate the types of use activities in such a way as to disperse visitor load. Ultimate circulation within the park should be a simplified, orderly park-use traffic way almost independent of the existing control traffic artery, Route 6. Safe, orderly traffic flow could be increased materially if Route 6 were redesigned as a limited access highway with only one park access point provided from it within each town. This would require the joint planning of towns, state and Federal Government.

Disregarding at the moment, private residential and defense uses now existing, the park could then be administered as three units or districts, as follows - the area north from Nauset Marsh to Provincetown Beach, the Nauset Beach unit of Orleans and Chatham, and the Monomoy-Morris Island unit. Within the northern unit, existing private and Federal uses would preclude complete overall park administration for many years to come. Blocks of sufficient size to accommodate a specific park-use would need to be acquired in the unit, before the land-use within the block could become a part of the active park. This would be necessary not only from a park planning point of view, but also to protect the private residential uses within the authorized area. The size necessary to open a new block as part of the active

park will depend upon the features present, the type of use consistent with those features, its relationship to existing circulation and previously opened blocks. The first such block within the northern unit could very likely consist of Provincelands, Pilgrim Spring State Park and the proposed Pilgrim State Park addition. This block and the two southern units could quite conceivably become a working reality in the initial establishment of the park."

2. POPULATION

2(a) The Recent History of Population Growth in the Lower CapeGross Year-Round Population

<u>Year</u>	<u>Well.</u>	<u>Prov.</u>	<u>Truro</u>	<u>Orleans</u>	<u>Eastham</u>	<u>Chatham</u>	<u>Area</u>
1910	1022	4369	655	1077	518	1504	9205
1920	826	4246	554	1012	430	1737	8805
1930	823	3808	513	1181	543	1931	8799
1940	890	3668	585	1451	582	2136	9312
1945	851	3564	582	1543	604	2192	9336
1950	1123	3795	661	1759	860	2457	10655
1955	1331	3415	851	2201	1107	3116	12021

Source - Secretary of the Commonwealth

After a period of decline which started in the 19th century and continued until 1930, the study area in the census of 1940, showed a growth in year-round residents. This growth was at a slow rate during the depression and World War II. In the late 1940's it began to accelerate and in the most recent five-year period covered by the census grew 12.8% or well over 2% per year. This rate of growth was approximately equal to that of Barnstable County as a whole but was far greater than that of Massachusetts and New England. With the exception of Provincetown, which suffered a decline in population, the rate of growth of the remaining five towns was much greater than the rate in Barnstable County.

Individually, Eastham experienced the highest percentage increase in growth during the most recent five year intercensal period, increasing by over 28%. In numerical terms Chatham and Orleans, however, had far more significant increases. The new population increment in the period 1950 to 1955 was 659 in Chatham, 442 in Orleans, 247 in Eastham, 208 in Wellfleet, 190 in Truro and a net decrease of 380 in Provincetown.

2(b) The Size Location and Characteristics of the Population

As an indication of recent growth, building statistics are unreliable principally because of the difficulty in distinguishing seasonal structures from structures designed for year-round occupancy. Also, construction without permits has occurred in some parts of the area. The number of electric meters is a somewhat better indication of recent growth, since figures isolating year-round use from seasonal use are available. One test of the general validity of meters in estimating population growth is the comparison which can be made between population and meter growth in past years. During the period from 1950 to 1955 the population of the area grew by 12.8%. In the same period the number of year-round meters in use increased by 13.6%. The excess is very likely due to out of season use of cottages by persons with permanent residences in other areas.

In the period from 1955 to 1959 the number of year-round meters in use increased by 19.6%. This indicates that the rate of growth in those areas has been accelerating recently.

ELECTRIC METERS IN USE YEAR-ROUND

	<u>1955</u>	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u>	<u>Change 1955 to 1959</u>
Chatham	906	998	1109	1146	1157	✓27.7%
Orleans	723	809	859	889	898	✓24.2%
Eastham	318	351	385	402	458	✓44.0%
Wellfleet	455	472	498	546	546	✓20.0%
Truro	241	268	297	318	318	✓32.0%
Provincetown	1150	1107	1081	1185	1159	✓ 0.8%
Area	3793	4035	4229	4486	4536	✓19.6%

In this period two of the three communities most affected by the proposed National Seashore Park - Eastham and Truro - had the highest ratio of growth.

The most unusual characteristic of the area's population is its age.

AGE CHARACTERISTICS OF THE POPULATION - 1955

	<u>% of Pop. Under 20</u>	<u>% of Pop 65 or Over</u>
Chatham	30.7	14.6
Orleans	29.3	15.6
Eastham	32.5	13.6
Wellfleet	29.6	17.4
Truro	31.5	14.1
Provincetown	30.0	12.3
Barnstable County	30.8	12.1
Massachusetts	30.2	10.0

Every one of the six towns has a higher proportion of older persons in its population than the county as a whole has. This is particularly noticeable since the county is itself heavily biased toward older people in the composition of its population. This peculiarity is the result of two forces. In the first place, the lack of economic opportunity due to the sparsity of manufacturing, professional activity, and other pursuits normal in the usual regional economy drives out persons in the prime of their working lives and distorts the normal age distribution of the population. The second reason is that the Cape has long been popular as a retirement area. Its relatively mild climate and picturesqueness has drawn from the ever growing group of retired persons in Northeastern United States a large number of persons living on savings, annuities or pensions.

Further evidence of the impact of this group is the relationship of births to deaths in the population. In Eastham, for example, in 1957 and

1958 the death rate actually exceeded the birth rate and in each of these years there was no natural increase in population but an actual decline of five persons. Thus, population growth is due primarily to in-migration rather than to internal growth.

2(c) The Expected Future Growth of Population

Since in-migration so far outweighs natural growth in these communities, forecasts of population are particularly difficult to make. The forces which will control growth are external to events on the lower Cape. The rate of growth will depend upon the economic conditions in Eastern U.S., the rate of growth of the retired sector of the population, and other forces the impact of which is difficult to assess. In most other areas, the growth of population is tied to the economic opportunity in the region. On the lower Cape the reverse is true; economic opportunity is largely the result of the in-migration of older residents and expansion of the number of summer visitors. Thus the economy revolves around the stores, professional activities, and other services required by the population in its daily living and the construction of accommodations to house the in-migrants. In this service economy the only logical approach to population forecasting is an extension of trends of the past limited by the availability of land.

RATE OF POPULATION CHANGE

	<u>1945 to 1955</u>	<u>1950 to 1955</u>
Provincetown	- 4.2%	-10.0%
Truro	+46.2%	+28.7%
Wellfleet	+56.4%	+18.5%
Eastham	+83.3%	+28.7%
Orleans	+42.6%	+25.1%
Chatham	+42.2%	+26.8%

In making population projections either of two assumptions can be used. The first assumption (A) is that population will continue to grow at

the rate it has grown in the period from 1945 to 1955. The second assumption (B) is that population will grow at the rate experienced in the most recent intercensal period, 1950 to 1955.

	<u>1955 Population</u>	<u>Assumption A</u>		<u>Assumption B</u>	
		<u>1965</u>	<u>1975</u>	<u>1965</u>	<u>1975</u>
Provincetown	3415	3272	3135	2767	2241
Truro	851	1244	1819	1409	2333
Wellfleet	1331	2082	3256	1869	2625
Eastham	1107	2029	3719	1834	3037
Orleans	2201	3139	4476	3444	5389
Chatham	<u>3116</u>	<u>4431</u>	<u>6301</u>	<u>5010</u>	<u>8056</u>
Area	12021	16197	22706	16332	23680

Under either of these assumptions the overall growth for the six town area in the period until 1975 is approximately the same. For individual towns the outcome under the assumption varies. Provincetown declines in population at a much faster pace under assumption B than A. Wellfleet and Eastham grow more rapidly if the experience from 1945 to 1955 is used as the basis for projection reflecting the fact that for these towns growth during the period 1945 to 1955 exceeded in rate growth during the 1950 to 1955 portion of the period.

In any case, approximately 10,600 to 11,600 additional persons are forecast to live in the area as permanent year-round residents. There is adequate land available under existing zoning requirements to absorb this number and a great many more.

	<u>SEASONAL ELECTRIC METERS IN USE</u>							Change
	<u>1949</u>	<u>1954</u>	<u>1955</u>	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u>	<u>1949 - 1959</u>
Chatham	661	1016	1121	1083	1070	1153	1218	↗ 84%
Orleans	334	544	555	425	539	569	585	↗ 75%
Eastham	349	626	655	679	710	785	878	↗ 152%
Wellfleet	370	556	588	540	583	622	666	↗ 80%
Truro	354	430	448	406	400	434	449	↗ 27%
Provincetown	442	540	558	439	504	426	430	- 3%
Total	2510	3712	3925	3572	3806	3989	4226	↗ 59%

While there is no accurate count of the number of persons using the Cape during the summer months there is abundant evidence that the group is sizeable and growing. Year to year increases in traffic showed a 5.5% annual gain for 1955 to 1956, 18.5% increase from 1956 to 1957, and an 8.7% increase from 1957 to 1958. This increase in traffic reflects an increase in the amount of both seasonal and year-round use. In the study area the number of electric meters in seasonal use has grown by 59% in 10 years. In Eastham the growth has been 152%. Yet the area on the Cape in which the National Seashore Park will take the most usable land is just beginning to feel the pressure of growth.

If these trends continue, by 1975 the study area will have a summer population of about 48,000 (in contrast to an estimated present seasonal population of 23,000) and a year-round population of approximately 23,000 for a total population of 71,000 during the summer months.

3. THE ECONOMY OF THE AREA

3(a) Recent History of Economic Development

The area has had a long and fascinating history. Its development has been shaped by its physical peculiarities and the competitive value of its resources. It has never been a subsistence farming area. It has always had a surplus of some kind to export. In its earliest period it was grain; fish and shellfish came later; followed by the products of the whale. Specialized agriculture, such as cranberry raising, came in a period of experimentation and was quickly followed and replaced by the vacation industry.

In its earliest period as an agricultural and fishing area its proximity to the settlements of eastern Massachusetts provided ready markets for its surplus.

Later the configuration of its coast line was used to good advantage and port facilities grew up at many points. Deeper drafts and other influences beyond the control of the residents made the tiny ports functionally obsolete. Decline followed. Revival came as increasing urbanization and density of settlement in Northeastern United States placed a premium on nearby seashore and rural areas.

In this small area the characteristic economy during the period of development has varied widely. Individual centers of development have been disbursed. The mixture of activities has always been interesting and at times exotic. The area has been isolated enough to develop its own peculiarities, small enough so that its people feel a common identity, and its characteristics bold enough to make an immediate and striking impression on all who visit.

The recreation industry on the Cape is based not only on the excellent climatic conditions of the region and its fine physical

features but also on these historical associations. Great whalers did one day set out on long journeys from Cape ports, giant ships did meet an awful fate on Nauset beach, indians did at one time roam freely on the Cape, catch fish in its ponds, and cache corn in its soil. This is the charm of the Cape.

The balance of attractive beaches and historical associations has been recognized for their worth by an ever increasing group of admirers. Increases in income, improvements in the interstate highway system, and longer vacation periods have all contributed to this broadening audience. At first, development was concentrated in the south where warm water and ocean beaches were easily accessible. But as the popularity of the region has grown development has pushed to the Bay side of the upper Cape and, in recent years, increasingly into the lower Cape.

In recent years the Cape has been exploiting its native treasures of fine beaches and historic structures to an ever increasing degree. In some communities the citizens have recognized the ease with which such assets can be destroyed and have taken measures to preserve beaches and structures. In other communities development has run rampant with results that can, in the long run, lead only to a diminished economic base.

While the population of the area obtains its principal support from the seasonal recreation industry this economic base has allowed the accumulation of population on a year-round basis. The income of most of this group is related to the employment and profits generated by both seasonal and year-round growth. That is, it is in the trade, service, or construction industries. At the same time the area has become increasingly important as a haven for retired persons. This group, also, makes a contribution to the economy. The economic significance of the high proportion of older persons in the area is that it reduces the need for jobs in the local economy and establishes a low relationship of labor force to population. On the other hand the presence of these older people, many

of them relatively well-off, raises the level of purchasing power and thus the demand for commodities and services. In regard to the fiscal affairs of the community this group demands few municipal services - schools and welfare particularly - while contributing their full share to the revenues of the community.

3(b) The Size and Characteristics of the Labor Force

The resident labor force in the study area was 4206 in 1955. Of this group 308 or 7.3% were unemployed in January 1955.

LABOR FORCE AND EMPLOYMENT

	<u>Labor Force</u>	<u>Employment</u>	<u>Unemployment</u>
Chatham	1088	1046	42
Orleans	748	703	45
Eastham	375	346	29
Wellfleet	415	406	9
Truro	291	266	25
Provincetown	1289	1131	158
Area	4206	3898	308

The proportion of population in the labor force varied from a low of 31.2% in Wellfleet to 37.7% in Provincetown. The proportion of population in the labor force in the Commonwealth of Massachusetts as a whole was 41.4% in 1955. The low level of participation reflects the unusual age characteristics of the population. The large number of retired people serve to increase the population but do not increase the demands on the economy for jobs. In Massachusetts as a whole 5.1% of the population are retired. With 7.8% of its population in retirement the lower Cape is much more heavily populated with retired persons. Individually, the most extreme incidence of older people occurs in Wellfleet where 12.6% of the population is retired. Unemployment in Wellfleet is far below the normal for Barnstable county or the state. In this community little demand on the economy for jobs is made. On the other hand in Truro where relatively

<u>Retired Persons</u>	<u>Number</u>	<u>% of Population</u>
Chatham	217	7.0
Orleans	163	7.4
Eastham	76	6.9
Wellfleet	168	12.6
Truro	52	6.1
Provincetown	267	7.8

Source: Secretary of the Commonwealth

few retired people lived and which had the highest proportion of population under 20 years of age the labor force represented 34.2% of the population and unemployment was high at 9.4%. Provincetown which had fewer people in the 65 year or older age group than any town on the lower Cape and which had the most normal distribution of all lower Cape towns suffered most severely from unemployment with 14% of the labor force out of work in January, 1955.

3(c) Industry of the Employed Population

Data on the employed population was compiled from town records and through consultation with town officials. Some estimation was involved.

As would be expected in a recreation economy there is a high incidence of proprietors in the population. For example, in the real estate and insurance group offices with more than one worker were the exception rather than the rule and the majority of this group were engaged in the rental of summer accommodations. Many proprietors in this group and other occupational groups related to the summer recreation trade considered their summer employment as their normal productive work year, winter months being spent in repairing capital assets or in traveling, operating enterprises in other areas, or vacationing. Thus, though largely unoccupied during the winter months, these people do not consider themselves unemployed.

Retail trade represented the largest employer but was closely followed by the construction industry. Government employees represented an unusually high proportion of total employment. The concentration in government is due partly to the existence of military establishments. The establishment of a National Park will add to this concentration. These three groups constitute 60% of the year-round employment. In relation to the size of the population they are all unusual for a Massachusetts region. The reason for this is that with the exception of the military they depend on the summer population and to a lesser extent on resident retired persons. The service industry, although not as large as the foregoing, shares these characteristics.

EMPLOYMENT BY INDUSTRY GROUP

		<u>% of Total</u>
Agriculture		1.06
Fishing		5.14
Construction		20.04
Manufacturing		1.93
Utilities		3.33
Real Estate and Insurance		6.66
Trade		22.04
Services		12.19
Professional	4.05	
Automotive	2.31	
Other	5.83	
Government		18.33
Military	5.98	
Education	5.53	
Other	6.82	
Unclassified		<u>9.28</u>
		100.0

3(d) Analysis of the Industrial Base

The fluctuation in employment is extreme. In the six town area taken as a whole the number of employees covered by unemployment insurance expanded in 1958 from 1,464 in February to 3,762 in July, an expansion of 153.5%. The annual peak of employment is of relatively short duration and builds up quickly in June and falls off rapidly in September. Much of the labor force to fill the expanded employment base comes from off the Cape and is comprised of seasonal residents.

The greatest fluctuations occur in those areas with the most restricted economic bases - Truro and Eastham. Orleans, with its large retail establishment, is least effected. This is due to its position as the regional shopping center and the tendency of its merchants to serve both the winter and summer residents.

Employment Change by Months (Monthly Average 100)

<u>Six Town Area</u>			
January	67	July	170
February	66	August	168
March	68	September	124
April	76	October	89
May	90	November	79
June	129	December	75

MAXIMUM MONTH OF EMPLOYMENT AS A PERCENTAGE OF MINIMUM MONTH OF EMPLOYMENT

Provincetown	297%
Truro	349%
Wellfleet	292%
Eastham	505%
Orleans	196%
Chatham	242%

Retail trade establishments are scattered throughout the area. There are sizeable retail centers at Chatham, Orleans, and Provincetown. Each is what can be characterized as a local shopping center serving winter populations of, in the vicinity of, 4,000 persons. The centers tend to be similar in nature although Provincetown's retail establishments are smaller, more numerous and have a far higher concentration in stores selling those exotic wares that appeal to the summer trade. There is little direct competition between them and little over-lapping of market areas. Provincetown and Chatham are in terminal geographic locations. In general, Orleans is the only "natural" center in that it developed because of its location in relation to the population rather than because of the presence of port facilities or other factors which were overriding in the cases of Provincetown and Chatham. In the present economy Orleans has the greatest stability in its retail employment and as time goes on will strengthen its position relative to Provincetown and Chatham, and become more of a regional shopping center comparable to Hyannis.

The 1958 Census of Business shows total sales in Barnstable County to have been \$109,105,000. Roughly one half of these sales took place in the towns of Barnstable and Falmouth. The remainder were dispersed throughout the county with Provincetown accounting for 6% - within $\frac{1}{2}$ of

Retail Sales, 1958

Barnstable County	\$109,105,000
Barnstable Town	32,694,000
Falmouth	19,935,000
Provincetown	6,520,000

U.S. Census of Business

1% of the same proportion as Provincetown's population bears to that of the county. Per capita retail sales are very high reflecting the influence of the summer population.

The high proportion of government employees is due partly to the need for providing government services to a large summer population and maintaining the plan for these services the year around. But also an important contributing factor is that the level of services is very high. In fiscal affairs these Barnstable County communities are among the wealthiest in Massachusetts. Not only do they have extensive properties that require servicing for the most part in the summer but in Massachusetts many state funds due the town are calculated on the proportion of the town's valuation of total valuation in the Commonwealth. Although this is an oversimplification, the result is that the community can support a far higher level of service and more employees in relation to the year round population than can other Massachusetts municipalities. This high level of government employment is reflected, for example, in the numerical relationship between pupils and teachers in the schools. In every town the pupil-teacher ratio is below the state average and expenditures per pupil are above the state average. The number of government workers is increased by the existence in the lower Cape of military and other establishments under the auspices of higher levels of government.

The construction industry is seasonally the most stable of the major industry groups on the lower Cape. This industry is more stable than others because of the rapid rate of growth in all parts of the area except Provincetown. The industry is scattered throughout the area in line with population distribution with somewhat less of a concentration in Provincetown than its population would lead one to expect. This industry operates throughout the winter months - weather permitting - but largely is dependent on the demands of the summer trade for its income. This is probably the most desirable industry on the lower Cape from the point of view of wages and opportunity for younger persons wishing to remain in the area. It is also the most vulnerable to cyclical changes. It is important to note that this industry depends upon growth.

The service industries have approximately the same characteristics and locations as retail trade described above. The major groups within the industry are professional services - doctors, lawyers, automotive services, and personal services. This industry like retail trade is closely related to the absolute size of the population rather than to its rate of growth.

There are only 68 manufacturing establishments on Cape Cod according to the latest available Census of Manufacturers (1954). These firms had an average employment of less than 10 persons per firm. Twenty of these firms are located in the region under study. They are even smaller in size than the average for the county. Firms in the printing, foods and building materials industries make up most of this group. The industries themselves are geared to serve the local market on the Cape. Because they

are related to the local market they tend to have a seasonal bias in employment. During the period from 1947 to 1954 there was an increase in the number of firms but at the same time there was a decline in the total wage payments of the average firm. Thus, while the lower Cape has tended to do better than the state as a whole in manufacturing employment the available evidence indicates a slow and uncertain growth. The low incidence of manufacturing, the kinds of industries in which firms occur, the small size of the individual firm all lend strength to the conclusion that manufacturing does not have any great prospects for the future economic development of the lower Cape.

3(e) Income of Families

Relatively little information is available on the incomes of residents of this small area. The high incidence of self-employed persons, the many opportunities for income outside of formal jobs combine to make estimates risky.

The low density of population, lack of high wage industry groups (principally manufacturing), the high incidence of retired persons, and the low level of participation in the labor force all indicate a low level of family income. In 1950 the income of Barnstable County as a whole was well below that of the state and the income of Provincetown was substantially below that of the county.

INCOME OF FAMILIES AND UNRELATED INDIVIDUALS, 1950

	<u>Median</u>
Provincetown	\$2040
Barnstable County	2346
Massachusetts	2909

U.S. Census

More recent estimates show per capita income in the county 87% of that of the state. Well over twice the proportion of families were in the lowest income groups in Barnstable County as in the state as a whole as reported in both the Census and more recent reports. In 1950 42.7% of all families in Barnstable County had income of less than \$2,000 compared to 31.7% for families in Massachusetts. Yet this does not fully portray conditions in the towns under study. There is no doubt that the towns of Barnstable and Falmouth - the largest communities - have per capita incomes substantially higher than in the study area. Since there

PER CAPITA INCOME 1958

Massachusetts	\$1897
Barnstable County	1636
Barnstable Town	1886

Source: Sales Management

is no precise way in which Falmouth's income can be removed from the available statistics Barnstable's was deducted to give a better picture of income in the study area. This resulted in a per capita income of \$1556 for the county excluding Barnstable.

Income, therefore, is generally low with a tendency toward clustering in low income groups. The area, however, has been increasing in income at a rate faster than the state as a whole. It is possible that this rate of increase will level off. The principal limiting factor in income growth is the seasonal nature of the economy.

It is probably true that income over the business cycle is more unstable than in other parts of the state. Although no figure can be mustered to demonstrate this locally, it is known that vacation expenditures are reduced more sharply than income in times of economic reversals. Recent experience has also shown that adverse weather can have a serious impact on the income of Barnstable County residents. Hurricanes, cold spells, or long wet spells seriously affect the number of vacationers and make the whole economy vulnerable.

3(f) Evaluation of Present Recreation Industry

The size and economic impact of the recreation industry on the lower Cape is unknown. The lack of an accurate count or of any economic indicators limits the possibility of obtaining data which is precise. However certain general measures can be obtained.

The estimate of the Cape Cod Chamber of Commerce is that the Cape population is 250,000 during the summer months. This estimate seems reasonable. Although there is no way of precisely tying it down, an approximation can be made by using retail trade figures in the following manner:

1. Take the total population of the Commonwealth and divide it into the retail sales of 1958 yielding a per capita sales figure of \$1230. This can then be used as a "normal" expenditure per capita on retail purchases by residents of the state (although realizing it is somewhat high since Massachusetts probably has a net in-migration of tourists during the summer.)
2. Take the total population of Barnstable County and divide it into retail sales for the county yielding a per capita sales figure of \$2069.
3. Take the difference between the state per capita (\$1230) and the county per capita (\$2069) yielding \$839 and multiply it by the county's population yielding \$44,238,792. This represents an estimate of the expenditures made in retail establishments by persons visiting the Cape. The remainder of \$64,866,000 represents purchases by the county's year-round residents.

This information also gives some indication of the number of visitors to the Cape. If \$1230 represents the year-round total of expenditures per person in Massachusetts then 1/12 of that would be an average for any

one month (102.50). Dividing this into \$44,238,792 yields 431,600 "person expenditure months". Since the vacation season on the Cape is roughly two months the division of these person expenditure months by 2 (431,600 ÷ 2 = 215,800) yields an approximation of the summer population exclusive of year-round residents - 215,800 persons. This is very close to the number of visitors in the estimate quoted earlier.

According to a study performed by the University of California 54% of the tourist purchases can be considered to pass through retail establishments (including gas stations). A group at the University of Wisconsin found 48.3% of the tourist expenditures to pass through such organizations. If these estimates approximate the experience on the Cape then tourist expenditures in 1958 were between \$81.9 million to \$91.5 million for current needs (excluding purchase of cottages or other capital investment). On a per capita basis this means that from \$380 to \$424 is spent by the equivalent of one tourist remaining the entire season. Since 1958 was a 65 day season,* the expenditure per day ranged from \$5.85 to \$6.52. This is over estimated to the extent that expenditures of off-season tourists are included.

* 1956 season started on Saturday, June 29 and lasted until Monday, September 1 giving a 65 day season.

DISTRIBUTION OF TOURIST EXPENDITURES

	<u>Percentage</u>
Lodging	25.52
Meals Purchased	11.92
Meals & Lodgings (combined)	11.42
Groceries, Meats, etc.	17.67
Transportation	9.16
Amusements	8.07
Fishing	6.60
Clothing	2.98
Boat Rentals	2.45
Other	4.21

Bureau of Community Development
University of Wisconsin

Another estimate of expenditure per visitor per day is provided by the Massachusetts Department of Natural Resources. This estimate, based on a questionnaire filled in by campers at Nickerson State Park in Brewster, is \$3.24 per day but in discussing the estimate their opinion is that it is a very conservative figure and underestimates the actual amount. Since there is no rent component in this estimate and since non-camper rental payments are liable to be substantial and their other expenditures liable to be higher the lower figure of \$5.85 appears to be a reasonable estimate of average daily expenditure on a per capita basis.

On the lower Cape the expansion in summer population is probably not as great as in those areas close to the urban centers. The statement of the Town of Chatham on Senate Bill 2636 has in its introduction an estimate by the authors that Chatham's resident population expands from 3500 in the winter to a summer total of 10,000. If this is indicative of the

experience throughout the area then the summer population in the study area is in the neighborhood of 35,000 persons, of whom 12,000 are year-round residents. At an expenditure rate of \$5.85 per visitor day the value of the recreation expenditures in the study area is \$8,740,000.

4. FUTURE ECONOMIC DEVELOPMENT AND PROSPECTS

4(a) Limitations of Present Economy

The economy of the lower Cape is highly seasonal. The productivity of this economy is determined by three factors.

1. The absolute size of the summer population determines the level of retail sales and of service industry receipts in the summer.
2. The rate of growth of the year-round and summer population determines the size and income of the construction industry.
3. The size of the year-round population, but particularly the retired element, determines income of retailing and services during the off-season.

Although low, the income yield of the economy is not entirely inadequate in view of the many compensating factors. The economy, being seasonal, is not particularly demanding of the labor force - thus the amount of leisure time available appears to be large. The area enjoys the isolation, beauty, and detachment of rural areas without suffering the severe limitations in income opportunity that go with such areas. More serious short run deficiencies are the cyclical vulnerability of the recreation industry and the annual threat of inclement weather. These tend to add an element of risk.

The long-run deficiencies of the economy are more acute. The concentration of activity in the construction industry cannot continue indefinitely. As land is used up the rate of new growth will diminish, and with it opportunities for employment in construction. The present heavy concentration in the construction industry will diminish in the long run. A heavier proportional share of employment will then occur in the retail trade and services section of the economy. Employment will be much more seasonal than it is now since the construction year is longer

than the vacation season. A review of the Provincetown economy confirms this view. With buildable land practically non-existent, construction represents less than 3% of covered employment while trade is over 50% of employment. Contrast this with rapidly growing Chatham where construction employment represents about 1/3 of all employment and trade is only about 30% or with Eastham where construction represents over 60% of employment and trade less than 20%. In the study area there remains a large amount of developable land and until recently the threat of its being developed appears remote. Acquisition of land for the proposed development would reduce the amount available for residential or commercial development. However, there will remain sufficient land to sustain the construction industry for many years. The need for facilities in the Park will add to the demand for new construction.

The compensating features of the development of the National Seashore Park are great. The purely economic values will accrue from the employment of persons in the park and the local purchase of park materials and supplies, the increased number of visitors expected because of the establishment of the park, and a probable increase in the attractiveness of the area for retired persons and summer residents.

4(b) Alternate Opportunities for Economic Development

The potential for the development of an economy not related to vacation travel expenditures or to the accommodation of older persons is slight. The nature of the present economy on Cape Cod is a positive deterrent to diversified economic development. The rapid rise in employment opportunities which occurs in the late spring would make it difficult for a manufacturing organization to recruit labor during the summer and early fall and would tend to draw away even those persons already actively employed. This is particularly true in the case of women workers, and women workers represent the principal labor needs of the growing industries in the New England area. The relatively few persons in the working age groups and the lack of heavy concentrations of population, except at Provincetown, would also discourage interest.

The Cape is largely without natural resources in demand for industrial use. It is relatively remote from existing markets - even those in the east. Its own market is not large enough to absorb an important proportion of the output of even a medium sized manufacturing organization oriented toward meeting local needs. There is no industrial tradition on the Cape and thus the only skilled manufacturing workers are those who have migrated from other areas. In nearby New Bedford and Fall River there are relatively large pools of low cost unemployed workers - many experienced - who would seem to be more attractive to manufacturers than Cape natives.

Other factors such as the high cost of land, relatively poor transportation facilities, lack of the kinds of services and auxiliary industries necessary to support a manufacturing economy, all influence negatively the prospects of industrial growth. Finally, the pattern of land use with its concentration on residences and the economic need for the preservation

of aesthetic values leaves little place for industrial development.

Of course, with concentration on the objective of providing stable year-round employment or employment supplements some progress could be made. But to accomplish anything substantial would require great efforts. Cottage industries, confectionery manufacturing, wood carving and souvenir manufacture, boat building, all present possibilities. They, of course, are related to the unique character of the Cape. By and large the chances for development of such industries would be increased rather than diminished by the development of the National Seashore Park.

4(c) Evaluation of the Effects of an Extension of Present Trends

The lower Cape Cod area has been growing at a rapid pace in both its seasonal and year-round population. The rate of growth has tended to accelerate in recent years in some of the towns under study. Provincetown is completely built up and moderate declines in year-round population should continue. In Chatham and Orleans densities have risen to a point where declines in the rate of growth are to be expected, although in the period to 1975 growth will continue to be substantial. In Eastham, Wellfleet, and Truro, which represent well over one-half the land area, growth has been at a very high rate and will continue at high rates. The exhaustion of choice residential areas in the upper end of Barnstable County will mean increased pressures for development in these towns. The narrowness of the peninsula and the elongated nature of these towns which results in a high proportion of choice sites will allow the towns to absorb a large amount of residential development on highly desirable sites. Thus the opportunities for a growth in residential properties appear substantial, providing appropriate land use controls are adopted by these towns.

By 1975 it is expected that year-round residential population will have increased by 11,000 over that of 1955. However, summer population is expected to increase at a more rapid rate. If summer population were to increase at the rate traffic has increased in recent years, the estimated 23,000 seasonal residents in the area in 1958 would increase at the rate of 12% a year. If, on the other hand, relationship of the seasonal population to the year-round population were to be as it is at present in Barnstable County as a whole, seasonal population would be about 115,000. A more conservative estimate is obtained by using the growth rate in the number of seasonal residential meters. This yields a summer population of about 48,000

in 1975. This is probably the most realistic estimate, as it is reasonable to expect that the towns will enforce more stringent land use controls to keep densities down and to avoid the unhappy results of over-rapid development.

4(c) I Impact of Population Growth

Local economies are dependent upon exchanges of goods and services with other parts of the nation. Areas can and do specialize, but few small areas are self-sufficient in the sense that they need nothing of the outside world. In fact, to approach the level of self-sufficiency in the modern world implies very low standards of living. Self-sufficiency is not possible for an area with high living standards nor is it an important goal. Cape Cod depends on the income and capital of the nation as a whole for the support of its working population and their families. Without summer visitors the Cape could not sustain the kind and size of year-round population that lives there. In exchange for the money of these visitors people on the Cape supply an array of goods and services.

The population thus supported falls into two groups although the groups may overlap. One group serves the visitors their meals, tends their rooms, furnishes groceries and does a vast number of things that make life for a large summer population and a small year-round population possible. The other group sells real estate, and builds houses, roads, and commercial establishments. This group is largely dependent upon growth, as such, and should the rate of growth taper off the support for the second group would quickly diminish.

It was seen earlier that in 1958 the average visitor left something like \$5.85 each day he or she stayed on the Cape. If the Cape grows as expected, the \$8,740,000 estimated to have been left by visitors in 1958 in the study area will become \$18,252,000 in 1975 (1958 dollars). This money will go for groceries, gasoline, accommodations and many other things. Part of it will become wages, salaries and profits. These in turn will be partially respent on services and commodities not only during the summer but over the whole year. Thus the money spent by the tourist becomes the prime mover in

the Cape's economy.

In 1958, the relationship of tourists' expenditures to expenditures of the year-round population was as 1 is to 1.47. This relationship is not necessarily stable over time. However, such expenditures would provide opportunities for sizeable increases in income. The growth in the number of year-round residents from twelve to twenty-three thousand (p.26) and the summer residents from twenty-three to forty-eight thousand would mean that accommodations for 36,000 persons would have to be built -- or an average of 2400 person accommodations per year. This would probably mean about 600 housing units per year.

The area could easily support such a rate of growth. The 9,000 units built in the years to 1975 at this rate, even if the average size of the building lot was 20,000 sq. ft. plus 6,600 sq. ft. for roads and other public accommodations, would use up some 5,500 acres. From this analysis we conclude that the extension of existing trends would result in higher income by 1975 for the population of the lower Cape and that such growth could be sustained. Further, it is clear that with good land use planning the land thus used up would not result in a saturation of available residential land.

4(c) 2 Impact of Continued Growth in Assessed Valuations

The mere extension of trends in assessed valuations and tax levies has very little usefulness. Assessed valuations vary in their proportion of market value among the various towns. They also vary over time due to changes in assessing procedures, revaluations, and other factors. Assessed valuations contain elements of inflation and changing land values which are impossible to accurately isolate.

Changes in Assessed Valuations on Study Area Towns

	<u>1950 to 1959</u>	<u>1954 to 1959</u>
Provincetown	✓ 61.9%	✓16.1%
Truro	✓103.5%	✓48.6%
Wellfleet	✓ 81.2%	✓34.9%
Eastham	✓110.7%	✓43.9%
Orleans	✓132.0%	✓26.1%*
Chatham	✓ 90.0%	✓41.1%

* Revaluation in Orleans, 1955

Changes in Tax Levy in Study Area Towns

	<u>1950 to 1959</u>	<u>1954 to 1959</u>
Provincetown	✓ 53.9	✓83.8%
Truro	✓112.9%	✓33.3%
Wellfleet	✓122.8%	✓55.8%
Eastham	✓193.8%	✓56.2%
Orleans	✓191.9%	✓103.6%
Chatham	✓139.8%	✓71.6%

Tax levies are free of most of these influences but are subject to the effects of price inflation and changes in the amount of state aid and charges. These changes also make forward estimation hazardous.

Comparison of tax levies and assessed valuation shows that tax levies are going up at a faster pace than assessed valuations in almost all cases. This means that the tax rates have been going up and that the tax bill paid by the owner has been increasing. The tremendous increase in assessed valuations has not been sufficient to meet the rising costs of government without forcing taxes up. By and large this upward tendency in the tax rate has been much less in evidence in these towns than in most others in Massachusetts. The tax rates have increased very slowly and probably at a rate which is less than the amount of inflation reflected in the tax levy. This means that these towns in real dollars have probably experienced a decrease in taxation.

The prospects for the future are for continued increases in both valuations and tax levy. If the past is any reflection of the future, the increases in assessed valuation will be at a lower rate than the changes in tax levy. Tax rates, therefore, are expected to increase. However, continued growth in seasonal property will keep the rate of increase in tax rates down and the area as a whole will remain the most lightly taxed in Massachusetts.

Much of future municipal costs will depend upon the way the towns are developed. If a dispersed development takes place a scattered pattern of school locations, more roadways, and greater number of service equipment will be necessary. If, on the other hand, high density, concentrated settlements are developed, sewerage and refuse collections will be required. The towns with land for development can largely determine the relative size of future costs by their policies on zoning, sub-division control, and other regulatory powers.

In these towns, it can be concluded, the growth in seasonal properties has had beneficial financial results for year-round residents in keeping taxes down. There is no reason to believe that this will not continue since more fully developed towns such as Barnstable, Falmouth and Yarmouth have all maintained low, equalized tax rates despite increasing densities. It is also clear from an examination of the experience of Cape towns that tax rates do not go down as densities of settlement increases.

TAX DATA FOR TOWNS IN BARNSTABLE COUNTY

	<u>1959 Tax Rate</u>	<u>1959 Equalized Tax Rate</u>	<u>Per Capita Direct Tax</u>
Barnstable	\$45.00	\$14.20	\$203.74
Bourne	49.60	21.20	223.37
Brewster	42.40	13.10	151.44
Chatham	32.90	20.90	233.91
Dennis	42.00	13.40	220.93
Eastham	40.00	12.10	199.79
Falmouth	48.00	22.40	254.17
Harwich	49.00	17.00	236.74
Mashpee	43.00	11.90	234.81
Orleans	37.00	19.50	216.52
Provincetown	54.00	27.20	164.43
Sandwich	45.00	15.40	188.22
Truro	35.00	12.80	186.05
Wellfleet	37.00	13.70	166.99
Yarmouth	48.80	19.00	249.09

The keys to the benefits accruing from increased valuations are the pattern of development mentioned earlier and the balance between summer and year-round residences. If the growth can be kept in seasonal residences, the benefits are bound to be greater since such residences require few municipal services.

4(d) Analysis of the Changes the National Seashore Would Introduce.

The area involved in the current proposals for a Cape Cod National Seashore Park is slightly larger than that outlined in Senate Bill 2636. This is the result of several changes. In Provincetown the 70 acres of private land originally proposed have been entirely eliminated from consideration. In Chatham, Hardings Beach, involving an area of 260 acres, has been eliminated. In Eastham an area of 193 acres has been added. The net effect of these changes is a reduction of the total acreage of the Park from 28,645 to 28,508, or some 137 acres less than in the original proposal. However, Monomoy National Wildlife Refuge is included in current proposals bringing up the total. This area is already under the Department of the Interior and this change merely means that it will be administratively part of the park but will remain a wildlife refuge as its primary function.

	<u>Total Land Area</u>	<u>Area of Proposed Park</u>	<u>Proportion of Town Acreage</u>
Provincetown	5,344 acres	4949 acres	92.6%
Truro	13,248 acres	9875 acres	74.5%
Wellfleet	13,101 acres	7854 acres	60.0%
Eastham	9,120 acres	3480 acres	38.2%
Orleans	8,922 acres	1600 acres	17.9%
* Chatham	<u>10,163</u> acres	<u>751</u> acres	<u>7.4%</u>
Area	59,898 acres	28,509 acres	47.6%

* Excluding Monomoy National Wildlife Refuge

In Provincetown a transfer of jurisdiction will occur with only incidental effects on the town. In both Wellfleet and Truro large areas of land are already in public ownership. The effect on the other towns varies. In Chatham and Orleans, proposed land acquisitions represent comparatively small proportions of the towns. Also the location of lands to be included

within the proposed park are such as to minimize interference with normal town growth. Land acquisition in Orleans, perhaps, could be accomplished with few hardships upon property owners. Larger areas of land would be acquired in Eastham, Wellfleet and Truro where there are fewer residents than in the other three towns. All but 1/3 of the land within the proposed park would be acquired in Truro where the 1955 population amounted to 7 percent of the area's total. In the area as a whole some 6000 acres or over 20% is wetlands and therefore not developable.

LAND TO BE ALLOWED FOR RESIDENTIAL DEVELOPMENT UNDER SECTION 5b, S. 2636

	<u>Acreage in Private Hands</u>	<u>Acreage Allowance under Section 5b</u>
Provincetown	none	none
Truro	7000	700
Wellfleet	5800	580
Eastham	3463	346
Orleans	1000	100
Chatham	<u>590</u>	<u>59</u>
	17853	1785

Section 5b of S.2636 provides that a maximum of 10% of the privately owned property within the Park area may be designated to be developed for residential purposes provided both the town and the Advisory Commission to be set up under the act approve. Such land must be made subject to zoning ordinances approved by the Secretary of the Interior. Under this procedure, the towns would present zoning provisions to the Secretary for his approval

in order to determine zoning standards. It is difficult to estimate the amount of new construction that would be possible. Although no precise estimate can be made of the economic necessity of this provision, it is necessary to consider it not only in the light of its immediate income benefit to the towns but also in its long run implications. In the long run the towns will benefit from the establishment of the National Seashore Park in terms of commercial construction. If the 10% reservation damages the value of the Park as a facility, the long run losses might offset any gains through development of the area with residential construction.

4(d) 1 Effect of Limitation of the Land Area

The purpose of Section 5(b) of S.2636 is to provide the towns of the lower Cape with a supplement to their tax bases. The specific areas that would be included in the 10% exception are not now known and would be the subject of negotiation between the Department of the Interior, officials of the towns, and private citizens. The land would probably be located in areas now partially developed but could well be located in areas completely undeveloped. Without commenting on the wisdom of this course from a developmental point of view, it does promise to create problems. When more detailed information is available on the extent and location of present development, it might be well to consider this course against the alternative in which this land would be, in each town, developed as a unit at the edge of the park; thus, in effect, removing the land from the Park. However, it is essential that the attractiveness of the Park be a primary consideration as this will determine its value as a recreation facility and hence its benefit to the towns.

Of the five towns that will benefit under Section 5(a) four have zoning ordinances in force at the present time. Truro, the single exception, is currently considering the establishment of zoning controls. The act proposed for Truro would require that lot sizes be at least 22,500 sq. ft. in area and have a frontage on an accepted road of no less than 150 ft. Wellfleet's zoning, now in force, is somewhat less restrictive. It requires minimum lot sizes of 10,000 sq. ft. and frontages of 100 ft.

While it is hazardous to generalize, it would seem logical to expect that the requirements of the Secretary of the Interior could not be less than the average current standard in the towns effected. On this assumption we can estimate required lot sizes to be not less than 20,000 ft. with

frontages of 125 - 150 ft. required. Because of the ordinary problems met in land plotting and the particular problems faced in maintaining the natural aesthetics of this area, it is safe to say that a maximum of two houses per acre can be developed under the 10% exception with the controls assumed.

RATIO OF ASSESSED VALUATION TO FULL MARKET VALUE OF PROPERTY

Truro	37%
Wellfleet	37%
Eastham	51%
Orleans	53%
Chatham	64%

Source: Mass. House Document No. 2833, 1959.

The table below illustrates the impact on assessed valuations if such land were to be developed under this formula. It would have a tremendously beneficial effect on the towns of Truro, Wellfleet and Eastham.

FULL DEVELOPMENT OF 10% EXCEPTION UNDER A 20,000 SQ. FT. LOT LIMIT

	<u>Land Value @ 1000/Lot</u>	<u>Bldg. Value @ 15,000</u>	<u>Assessed Valuation</u>
Truro	\$1,400,000	\$21,000,000	\$8,288,000
Wellfleet	1,160,000	17,400,000	6,867,200
Eastham	692,000	10,380,000	5,293,800
Orleans	200,000	3,000,000	1,696,000
Chatham	118,000	1,770,000	1,208,380

In the area as a whole this policy would allow the construction of 3570 units of housing. This is the equivalent of 40% of the total growth to be expected in the area in the next 15 years.

FULL DEVELOPMENT OF 10% EXCEPTION UNDER A 1 ACRE LOT LIMIT

	<u>Land Value @ 2000/Lot</u>	<u>Bldg. Value @ 15,000</u>	<u>Assessed Valuation</u>
Truro	\$1,400,000	\$10,500,000	\$4,403,000
Wellfleet	1,160,000	8,700,000	3,648,200
Eastham	692,000	5,076,000	2,941,680
Orleans	200,000	1,500,000	901,000
Chatham	118,000	885,000	641,920

If the more stringent requirement that one acre lots were to be the minimum were adopted, the fiscal impact would be much less but still substantial. Only 1785 units could be built but even this number represents a very large share of expected future growth.

The impact of the 10% exception allowed under 5(b) of S.2636 is great partly because the land area is extensive but partly because of the assumptions we have made. We feel that the assumptions are valid. If the land is scattered throughout the park area, we feel that the protection afforded by the park will increase the desirability for the development of the land. We feel the land will develop quickly and in residences of fairly high value. This is an estimate of benefits if the land is used to maximum efficiency. No provisions are made for roads which absorb a quarter to one-third of the normal development. No provision is made for commercial uses which would normally absorb 3.3% of developed land. Finally, no provision is made for waste or non-developed land in the theory that only developed sites will be offered by the Park Service. We conclude, therefore, that the provision of 5(b) is an important aid to the communities and will materially assist them in their fiscal affairs, particularly if the land is developed in seasonal residences. We feel, however, that careful zoning must be provided to insure such development and that the possibility of even architectural controls in

this historic area should be examined. Such controls would certainly benefit the Park and might well benefit the townspeople by forcing high quality development.

If, rather than being disbursed throughout the area, the acreage is offered in one piece on the periphery of the park or if large areas for sub-division are offered in the park, the benefits would be somewhat reduced. Under these circumstances, roughly 25% of the area would go for streets and some land not suitable for development would be included.

It is impossible to make a final determination of the impact of this policy until there is some indication of the kind of zoning that would be acceptable and the general location of the land made known.

4(d) 2 Effect of Induced Tourist Activity

There is every reason to believe that the establishment of the National Seashore Park would introduce changes in the tourist industry of the lower Cape. It would greatly increase the number of visitors to the area and would probably result in a greater proportion of tourists to summer residents. The area is already growing at a rapid pace but largely in summer residents staying for prolonged periods rather than transients staying for periods of up to a week.

Our estimate is that at the present time there are 23,000 summer residents in the area at any one time. We forecast that without the development of the National Seashore Park, this number would more than double in 15 years. The nature of most of the summer residents under that condition would continue to be the family groups that now predominate. The experience of the Cape Hatteras National Seashore Park which is roughly the same size but much more distant from major population centers, leads us to believe that with the aid of the publicity of the service and due to the superior facilities that will be offered, the growth in visitors will be greatly accelerated.

VISITATION: CAPE HATTERAS NATIONAL SEASHORE PARK

1955	264,545
1956	301,675
1957	324,675
1958	348,335
1959	441,219

In the first ten months of 1959, there were 519,500 visitor days spent in the Seashore Recreational Area. When the lower Cape's 23,000 summer residents are used as a basis for calculating "visitor days" a conservative estimate is that there are 1.5 million visitor days already being spent in the area. The implications of the kind of growth experienced at Hattaras -

CAPE COD NATIONAL SEASHORE PARK

66.8% in a four year period - if applied to the lower Cape would mean a tremendous influx of persons. This would mean a total of 2,500,000 visitor days at the end of a four-year period after the establishment of the Park and 10 million visitor days in a fifteen-year period after the establishment of the Park. Of course the season would be much longer since the experience at other Parks has been to draw visitors heavily in the Spring and Fall. If the Park is not established visitor days on the lower Cape will be less than 4,000,000. Such an influx as the one predicted for the Park is not beyond reasonable expectations. Already the population of Massachusetts, Rhode Island, Connecticut, and the New York - New Jersey Metropolitan area are within a comfortable day's drive. This group at present represents a population of over 22 million persons. The time-distance of a trip to the Cape is being shortened considerably with the completion of the Connecticut Turnpike and connecting links into the New York Metropolitan Area. Projected improvements of Route #6 connections in Rhode Island and Massachusetts

SOURCE OF VISITORS TO CAPE COD

New England States	46%
Middle Atlantic States	41%
East North Central States	3.5%
South Atlantic States	3.2%

Federal Reserve Bank of Boston

will allow an ever-increasing area from which the Cape can be reached in a day.

POPULATION OF REGIONS, 1958

New England States	9,961,000
Middle Atlantic States	33,080,000
East North Central States	35,618,000
South Atlantic States	25,352,000

The impact of an increase such as was experienced at Cape Hatteras will mean that by 1964 tourist expenditures in the study area will have increased by \$5,850,000.

This will be divided as follows:

- \$2,161,000 - for lodging (and some board) requiring 15,400 additional sleeping facilities to accommodate the visitors,
- 697,000 - for meals in restaurants,
- 1,034,000 - for groceries,
- 1,958,000 - for clothing, amusements, and transportation.

Such an influx on the Cape will generate a boom of major proportions. It will provide opportunities for commercial development and will generate income for the residents of the area.

These opportunities will be in the form of motels, restaurants, automotive service establishments, and new shopping centers dealing in both convenience and shopping goods as well as consumer services. Since our forecast is for a four-year period, a similar rate of growth over a fifteen year period, after the establishment of the Park, would result in total summer visitor and summer resident expenditures of over \$40,000,000. This potential demonstrates the tremendous economic benefits the Park will bring to the Lower Cape. It should be kept in mind, however, that the Park will not be fully operative for some time. Therefore, in terms of actual time, the high level of business activity forecast will probably occur twenty years after the passage of the Act establishing the Park, if such occurs.

4 (d) 3 Impact of the National Seashore Park on Income and Employment

The development of the National Seashore Park could create employment within the Park for an estimated 20 to 25 persons. This would yield an annual payroll of \$100,000. Since these employees will live in the area, their wages will add to the region's economy. Capital expenditures in the Park will be roughly \$100,000 annually for the first five years and somewhat higher in the following years. Although the above activities would have an impact upon the area's economy, the major economic benefits to be derived are in serving the visitors to the Park.

The provision of 15,400 beds in the next four or five years will generate tremendous commercial opportunities and will provide the construction industry and building materials suppliers with an unprecedented demand, probably in excess of \$30,000,000. In addition, the need for commercial facilities will greatly increase. For the equivalent of each new household in the area, opportunity for 18.6 sq. ft. of commercial space for convenience goods, 12.3 sq. ft. for shopping goods, 9.6 sq. ft. for local services, and 16.1 sq. ft. for central services will be created. Thus, 56.6 sq. ft. will be needed to serve each of the 4,400 additional units which would constitute the equivalent of a household (1,000,000 visitor days - 65 days - 3.5 persons per household). This means that roughly 250,000 sq. ft. of new commercial space will be needed to serve the new visitors. This would require a minimum of \$2,500,000 in new commercial construction in the first four years at the conservative cost estimate of \$10 a foot.

In retail trade, the other principal occupation group benefiting from the tourist, 11% of all retail sales on Cape Cod go for payrolls. Of the \$5,850,000 expected to be added to the expenditure total in the next four years, some

\$2,533,000 will pass through retail establishments and approximately \$280,000 will go for new payrolls.

If a similar percentage were to go for payrolls in service occupations, a total of \$645,000 would be generated in current payrolls annually in retail and service establishments.

INCOME BENEFITS RESULTING FROM PARK VISITATION (First Four Years)

Wage Payments to Park Personnel	\$100,000
Wage Payments to Retail and Service Workers	645,000
Wage Payments of Construction Workers*	<u>2,056,250</u>
	\$2,801,250

*based on $\frac{1}{4}$ of the value of Park construction plus $\frac{1}{4}$ of the expected commercial and residential development

This calculation makes no provision for profits or indirect income generated by the visitors to the Park. Often in calculating effect of secondary expenditures an income multiplier is used. Although the theoretical basis for using the multiplier is not particularly sound and relatively little is known about the size of multipliers in various types of economies, it is conservative to say that the total impact of the wage payments resulting from the Seashore Park is double that of the payments themselves. Thus, \$5,602,500 is a rough approximation of the total income benefits resulting from the increased visitors to the Park.

Another important but immeasurable benefit is that the tourist season will be lengthened. The Park will attract visitors heavily in the fall and spring. The effect of this will be to lengthen the period of employment and business opportunity and substantially benefit the year-round worker. The positive effects of this will be extremely great.

In conclusion, the Park will have a major impact on the economy of the Lower Cape. Although in the long run it will reduce the opportunity for normal residential construction by pre-empting large areas of land, the economic benefits accruing from the Park will outweigh these losses. Moreover, the

opportunities for commercial construction will be greatly expanded. Another benefit of major significance is the strengthening of the employment base through lengthening the tourist season. It should be emphasized that this analysis is based on the best set of assumptions that could be developed within current knowledge. Our conclusion is that the Lower Cape's economy will greatly benefit from the development of the Park.

5. THE FINANCIAL IMPACT OF THE PROPOSED PARK ON GOVERNMENTS IN THE AREA

5(a) Evaluation of Present Municipal Income and Expenditure

By any standards applied the six lower Cape towns within the borders of which the proposed National Seashore Park will be located, Provincetown excluded, are from a municipal fiscal point of view, wealthy communities.

Orientated to the tourist industry, the towns benefit from extensive commercial developments, and their resulting tax contributions, far in excess of those that would be required to meet the needs of the year-round population. Of greater importance to the economy of the towns are their extensive tax bases resulting from the existence of extensive and ever-increasing numbers of seasonally occupied residences, representing a major source of tax income for which minimum demands for town services are made in return.

Another factor contributing to the towns' economy is the increasing number of persons retiring to the Cape as year-round residents who contribute to the towns' support but who, due to their age and income bracket, require minimum services, particularly with reference to demands upon school and welfare budgets which represent approximately 42.2% of total municipal expenditures.

Over the years a continuing expansion of seasonal facilities by and for Cape visitors during the summer season has provided sufficient additional tax revenue to the towns to allow them to meet the costs of expanding municipal services as well as to absorb inflationary factors effecting the cost of government. Native prudence in the management of their municipal affairs has also contributed to the financial well-being of the Cape towns.

Evidence of the financial position of the lower Cape towns and the value of their vacation industry, and the substantial contribution made by their non-resident property owners, is borne out by the fact that of all 351 cities and towns in the Commonwealth, only 23 towns or 6.6% have tax rates of \$40 or less. Five of the six lower Cape towns are included in this group.

There is every reason to believe, based upon past and present trends, that the Cape municipalities will continue to enjoy their favorable fiscal positions in the future. Upon the basis of this study, and upon the basis of past experience, with proper planning, their positions could be materially strengthened as the result of the establishment of a National Seashore Park.

Tables One through Six, as contained in the Appendix, establish the favorable financial position of five of the six towns.

5(b) Impact of National Seashore Park on Municipal Income

In the event that the National Seashore Park is established in accordance with the bounds currently proposed by S.2636, the loss of tax revenue and the resulting effect upon the tax rates of each of the six individual towns directly involved are presented below. All projections are based upon the towns' 1959 tax assessment rolls, as reported, upon 1959 valuations placed upon properties for tax purposes, and upon the basis of 1959 tax levies and tax rates.

Loss of tax revenue and its effect upon the towns' tax rates are presented upon the basis of the four alternate courses of action listed below. It should be pointed out, however, that in all probability no one of these courses of action will be employed. In the past the Department has acquired properties over a period of years following the establishment of national parks, thus lessening their impact and allowing an extended period for adjustment and the development of compensating values.

1. Upon the basis of the immediate outright acquisition of all properties within the proposed park area;
2. Upon the basis of the outright acquisition of all the vacant lands within the proposed park area;
3. Upon the basis of the outright acquisition of all improved properties within the proposed park area in accordance with the provisions of Section 4(a) of S.2636; and
4. Upon the basis of the outright acquisition of all vacant lands and the acquisition of all improved properties in accordance with the provisions of Section 4(a) of 2636.

NOTE: (In making a determination of the depreciation of property values resulting from their acquisition by the Park Service with the owners retaining the right of use and occupancy for a term of twenty-five

years, or for a term ending at death, computations have been based upon the premise that the average period of retained use and occupancy privileges will be twenty-five years and that the fair market value of the retained rights will equal 42% of the current fair market value of the properties, based upon annuity values.)

CHATHAM

Total Assessed Valuation	\$22,085,700
Tax Levy	728,857
Tax Rate	32.90
Assessed Valuations Within Park Area	
Land	\$41,700

Assessed valuations of \$41,700, based upon a tax rate of \$32.90 results in net tax receipts of \$1372. A loss of the entire assessed valuation now located within the proposed park area would have the immediate effect of increasing the town's tax rate from \$32.90 to \$32.96, or an increase of \$.06.

PROVINCETOWN

Since it is not proposed to acquire lands for park purposes within the Town of Provincetown, other than public lands currently exempt from local taxation, the establishment of the National Seashore Park will have no effect upon the town's municipal economy.

In the event that the town was deprived of its current use of public lands for its airport and its refuse disposal, the town would be deprived of its airport facilities in their entirety and face considerable expense in providing for adequate refuse disposal facilities.

EASTHAM

Total Assessed Valuation	\$5,512,440
Total Tax Levy	212,308
Tax Rate	40.00
Assessed Valuation Within Proposed Park Area	
Vacant Land	\$ 107,567
Buildings	581,940
Land Occupied by Buildings	187,910
Personal Property	30,000 (est.)
Total	\$ 907,417

I. Assessed valuations of \$907,417 based upon a \$40.00 tax rate results in net tax receipts of \$36,297 or 16.4% of the town's total tax levy.

A loss of the entire assessed valuation now located within the proposed park area would have the immediate effect of increasing the town's tax rate from \$40.00 to \$47.92, or an increase of \$7.92 per \$1000 of assessed valuation.

II. The immediate acquisition of all vacant land within the proposed park area would represent a loss in the town's tax base of \$107,567 or a loss on net tax receipts of \$4303 or 1.9% of the town's total tax levy. This loss would increase the town's tax rate from \$40.00 to \$40.80 or \$.80 per \$1000 of assessed valuation.

III. The immediate acquisition of all improved property within the proposed park area, subject to the provisions of Section 4(a) S.2636, would result in an immediate depreciation of 58% on values totaling \$769,850, representing a loss in the town's tax base of \$446,513 and a loss in tax income of \$17,861 or 8% of the total tax levy. This loss would increase the town's tax rate from \$40.00 to \$43.55 or an increase of \$3.55 per \$1000 of assessed valuation. In addition, the remaining values of

all properties so acquired would continue to depreciate in value for taxing purposes for the next twenty-five years at the annual rate of 4% per year of the value of property involved representing an annual reduction in the town's tax base of \$12,933 and a loss of tax revenue of \$563.

IV. Upon the basis of the outright acquisition of all vacant lands and the acquisition of all improved properties in accordance with the provisions of Section 4(a), of S. 2636, the immediate reduction in the town's tax base would be \$554,080, representing a loss of tax income of \$22,163, or 10% of the town's total tax levy.

This loss would result in an increase in the town's tax rate from \$40.00 to \$44.49 or an increase of \$4.49 per \$1000 of assessed valuation.

ORLEANS

Total Assessed Valuation	\$12,838,205
Tax Levy	476,561
Tax Rate	37.00
Assessed Valuation Within Proposed Park Area	
Land	\$11,900
Buildings	11,815
Total	\$23,715

I. Assessed valuations of \$23,715 based upon a \$37.00 tax rate equals net tax receipts of \$877. A loss of the entire assessed valuation now located within the proposed park area would have the immediate effect of increasing the town's tax rate from \$37.00 to \$37.07 or an increase of \$.07 per \$1000 of assessed valuation.

III. A depreciation of 58% upon a valuation of \$23,715 would represent a loss in the town's tax base of \$13,755 and a loss in tax income of

\$509, or increase of \$.04 on the tax rate.

TRURO

Total assessed valuation	\$4,506,109
Tax Levy	158,326
Tax Rate	35.00
Assessed Valuations Within Proposed Park Area	
Vacant Land	\$322,121
Buildings	976,763
Occupied Land	274,922
Personal Property	71,162
Total	\$1,644,968

I. Tax assessments of \$1,644,968 based upon a \$35.00 tax rate equals net tax receipts of \$57,564 or 36% of the town's total tax levy.

A loss of the entire assessed valuation now located within the proposed park area would have the immediate effect of increasing the town's tax rate from \$35.00 to \$55.24 or an increase of \$20.24 per \$1000 of assessed valuation.

II. The immediate acquisition of all vacant land within the proposed park area would represent a loss in the town's tax base of \$322,121 or a loss of net tax receipts of \$11,274 or 7% of the town's total tax levy. This loss would increase the town's tax rate from \$35.00 to \$37.70 or an increase of \$2.70 per \$1000 of assessed valuation.

III. The immediate effect of the acquisition of all improved property within the proposed park area, subject to the provisions of Section 4(a), S.2636, would result in the depreciation of 58% on values totaling \$1,251,685 representing a loss in the town's tax base of \$725,977 and

a loss in tax revenue of \$25,409 or 10% of its total tax levy. This loss would increase the town's tax rate from \$35.00 to \$41.74 or an increase of \$6.74 per \$1000 of assessed valuation.

In addition, the remaining value of all properties so acquired would continue to depreciate in value for taxing purposes for the next twenty-five years at the annual rate of 4% per year representing an annual reduction in the town's tax base of \$21,028 and a loss of tax revenue of \$878.

IV. Upon the basis of the outright acquisition of all vacant lands and the acquisition of all improved properties in accordance with the provisions of Section 4(a) of S.2636, the immediate reduction in the town's tax base would be \$1,048,098, representing a loss of tax income of \$36,683 or 23% of the town's total tax levy.

This loss would result in an increase in the town's tax rate from \$35.00 to \$45.65 or an increase of \$10.65 per \$1000. of assessed valuation.

WELLFLEET

Total Assessed Valuation	\$6,061,750
Tax Levy	224,915
Tax Rate	37.00
Assessed Valuations Within Proposed Park Area	
Vacant Land	\$304,830
Buildings	960,750
Occupied Land	227,400
Personal Property	94,200
Total	\$1,587,180

I. Tax assessments of \$1,587,180 based upon a \$37.00 tax rate equals net tax receipts of \$58,726 or 26% of the town's total tax levy.

A loss of the entire assessed valuation now located within the

proposed park area would have the immediate effect of increasing the town's tax rate from \$37.00 to \$50.17 or an increase of \$13.17 per \$1000 of assessed valuation.

II. The immediate acquisition of all vacant land within the proposed park area with an assessed value of \$304,830 would represent a loss in net tax receipts of \$11,279 or 5% of the town's total tax levy. This loss would increase the town's tax rate from \$37.00 to \$38.97 or an increase of \$1.97 for \$1000 of assessed valuation.

III. The immediate effect of the acquisition of all improved property within the proposed park area, subject to the provisions of Section 4(a), S.2636, would result in the depreciation of 58% on values totaling \$1,188,150 representing a loss in the town's tax base of \$689,127 and a loss in tax revenue of \$25,498 or 11% of its total tax levy. This loss would increase the town's tax rate from \$37.00 to \$41.76 or an increase of \$4.76 per \$1000 of assessed valuation.

In addition, the remaining value of all properties so acquired would continue to depreciate in value for taxing purposes for the next twenty-five years at the annual rate of 4% per year representing an annual reduction in the town's tax base of \$19,961 and a cumulative loss of tax revenue of \$823 annually.

IV. Upon the basis of the outright acquisition of all vacant lands and the acquisition of all improved properties in accordance with the provisions of Section 4(a) of S.2636, the immediate reduction in the town's tax base would be \$993,957, representing a loss of tax revenue of \$36,776 or 16% of the town's total tax levy. This loss would result in an increase in the town's tax rate from \$37.00 to \$44.28 or an increase of \$7.28 per \$1000 of assessed valuation.

Summary of Effect of Acquisition of Property on Towns

<u>Loss in Tax Base</u>				
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
Chatham	\$ 41,700	\$ 41,700	\$ --	\$ --
Eastham	907,417	107,567	446,513	554,080
Orleans	23,715	--	13,755	--
Provincetown	--	--	--	--
Truro	1,644,968	322,121	725,977	1,048,098
Wellfleet	1,587,180	304,830	689,127	993,957

<u>Loss in Tax Revenue</u>				
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
Chatham	\$ 1,372	\$ 1,372	\$ --	\$ --
Eastham	36,297	4,303	17,861	22,163
Orleans	877	--	509	--
Provincetown	--	--	--	--
Truro	57,564	11,274	25,409	36,683
Wellfleet	58,726	11,279	25,498	36,776

<u>Effect on Tax Rate</u>				
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
Chatham	\$.06	\$.06	\$ --	\$ --
Eastham	7.92	.80	3.55	4.49
Orleans	.07	--	.04	--
Provincetown	.00	--	--	--
Truro	20.24	2.70	6.74	10.65
Wellfleet	13.17	1.97	4.76	7.28

The preceding material in this section of the report deals with an evaluation of the maximum impact of the National Seashore Park upon the tax base and the tax income of the six towns directly involved in accordance with four different methods of measurement. It must be recognized, however, that the impact will not be as severe as depicted due to compensating factors that have not been taken into consideration.

In the event that the towns take full advantage of the potential benefits to be derived from the establishment of the park and plan accordingly, losses suffered should be more than compensated for within a comparatively short time.

In the first instance, the establishment of a National Seashore Park on Cape Cod and its emphasis upon the protection and preservation of the Cape's natural and historic values, the preservation of the very same values which over the years have been the basis upon which the Cape towns have built their economy and which are rapidly being dissipated, is certainly not inconsistent with the interests of the towns.

The preservation of the natural attractions of the Cape for all time, together with the attractions of the Park itself, should increase the demand for vacant land areas for year-round and summer residential use, as well as for commercial development. With adequate planning and zoning to properly direct the development of vacant land, thus insuring its highest economic use, land outside the park area should materially appreciate in value. The anticipated increase in land values, together with the value of the additional residential and commercial construction that can reasonably be expected to take place, can be expected to more than offset any ultimate loss of taxable property to be removed from the tax rolls as a result of the establishment of the National Seashore Park. This would prove to be true even without the

reservation of 10% of the proposed Park area for future private development. The experience at Cape Hatteras National Seashore Park substantiates this view.

Impact of National Seashore Park on Municipal Expenditures

It is not anticipated that the establishment of the National Seashore Park will have any material effect upon the operating budgets of the six lower Cape towns.

Upon the assumption that the Park Service will take the responsibility for certain services, including fire protection and the construction and maintenance of roads within the Park area, some savings will accrue to the benefit of the towns. On the other hand, it is possible that the towns may be required to increase police services for the purpose of dealing with increased traffic generated by the Park. Savings effected should offset any demand for added expenditures.

An exception to the above is the matter of the construction and maintenance of approach and service roads to service the Park, but being outside the Park area. There are at this time no definitive plans upon which to base the cost of such construction, but it is evident that such costs, if left as the responsibility of the towns, would in some instances represent a major expenditure and have a serious impact upon the towns. However, there is the possibility that the State Department of Public Works would assume the cost of constructing and maintaining approach and service roads from their major arteries to the Park property. There would appear to be justification for such action, but until a final determination of this responsibility is established, its possible impact upon the towns should be kept in mind.

5 (c) Measurement of the Need for In Lieu Payments

If the Department of the Interior were to immediately take all the land and structures within the Park area, the municipalities would experience a loss in revenue of \$154,836. There would, of course, be no impact in Provincetown and relatively minor impacts in Chatham and Orleans. In Truro, Wellfleet, and Eastham the impact would be immediate and very severe. Such action would force an increase in the tax rates in Truro of \$20.24, in Wellfleet of \$13.17, and in Eastham of \$7.92. Such increases would work severe hardship on the population and property owners.

If only vacant land were taken, the impact would be greatly reduced. The total tax loss would be \$28,228. Tax rate increases that would result would be \$2.70 in Truro, \$1.97 in Wellfleet, and \$.80 in Eastham.

If, in addition to vacant land, improved lands were to be taken, and life tenancy and/or 25-year occupancy rights were to be awarded the owners, the immediate loss in tax revenue would be \$95,622. Tax rates would then increase \$10.65 in Truro, \$7.28 in Wellfleet, and \$4.49 in Eastham.

Under the first and third courses of action, the three towns of Truro, Wellfleet, and Eastham would find themselves in serious financial difficulty. Although tax rates are low in the towns, an immediate rise in tax rates would force down the value of property. There is no doubt that the value would be more than recovered in time, but it is important to recognize that private owners would suffer at least temporary capital losses as well as be forced to pay higher taxes. In addition, the payment of materially higher taxes would impose severe hardship upon retired persons living on fixed incomes and low income families.

It should again be pointed out that the courses of action outlined and their impacts upon the towns' tax rates represent maximum effects and that in all probability the acquirement of properties will be extended over a period

of time, thus materially lessening the impacts as stated above. It should also be pointed out that increases in the value of lands outside the Park, and the additional value of newly constructed facilities outside the Park, resulting from the Park's establishment, will rapidly offset any initial losses suffered.

The National Seashore Park would be an important component of the recreational assets of the people of the United States. Residents of the Lower Cape already enjoy most of the benefits which the Park would provide, although their existence is seriously threatened by the development that is currently taking place. Compensating features are present, the principal one being potential increased commercial opportunities. Although these will provide benefits in wage payments, profits, and increased tax revenue for the towns, for the present seasonal property owners they will mean little except a long-range increase in property values. For these owners the traffic and the growth in commercial opportunities induced by the Park will have no positive value.

Because of the lack of immediate benefits to the towns, there is no present compensation to offset the takings for the Park. It is our opinion that payments in lieu of taxes are justified and necessary. Since as the Park develops there will be benefits in the form of increased tax revenue accruing to the towns, these in lieu payments should not continue indefinitely.

As a compromise it is suggested that the initial year's payments by the Federal Government be equal to the tax revenue loss on the properties acquired. In subsequent years, payments might be reduced by one-half of the income derived from new construction in the towns. Thus, if the property is acquired in 1960, taxes for 1960 should be met by in lieu payments. In 1961 if the value of new construction were to aggregate \$500,000 in assessed valuations in Truro then the in lieu payment would be reduced by the tax yield on \$250,000 of assessed valuations. The same procedure should be followed in other towns until the in lieu payments are finally eliminated.

This seems to be a more adequate formula than the one proposed in Section 8c of S.2636. Under that provision payments would be made in the year of taking and subsequent two years equivalent to the full tax assessed in the years the property is acquired. The shock to town finances would occur when these payments stopped. The formula suggested here would eliminate the abrupt increase in taxes and would place the Federal Government in partnership with the towns in reducing the fiscal effects of the land takings. It is unlikely that the cost under this system would be substantially greater than under Section 8a.

5 (d) Determination of Need for Restoration of Land for Development in the Park

It is felt that the reservation of 10% of the land in the Park area for residential development would have beneficial fiscal consequences for the towns. However, if this reservation were to reduce the aesthetic qualities of the National Seashore Park over a period of time, it would hold visitation down and thus lessen the economic benefits of the Park to the towns.

It would seem wise to consider the possibility of leaving any lands within the Park to be reserved for private development outside the boundaries of the Park initially. This would mean merely a reduction in the amount of land to be acquired. It is realized that such a course may not be possible since the boundaries of the Park are set by the value of the areas for recreational purposes. If further planning showed that controlled commercial development close to Park access points were feasible, it might be wise to consider the allocation of some land now considered for Park taking for these purposes and to remove the restriction to residential use.

If the towns are expected to provide services to the 10% of properties that remain in the Park, it would seem wise to allocate either gaps in existing developed areas or tracts large enough for subdivision. This course would minimize the cost of providing services.

CONCLUSIONS AND RECOMMENDATIONS

Cape Cod is one of the country's favorite vacation areas.

The Lower Cape's "thirty-miles-at-sea" location, its great expanse of unexcelled shoreline, its climate, its colorful history pre-dating the landing of the Pilgrims, together with its other unique and unparalleled features, has proven an attraction to ever-increasing numbers of vacationers and summer residents.

Over the years, as a result of the nation's expanding economy and increasing number of two-home as well as two-car families and increase in leisure time, coupled with the improvement of the highway system leading to the Cape from all sections of the country's most densely populated urban region with over 50,000,000 people now living within a day's driving distance, the Cape has experienced an extensive growth in the construction of seasonal residences.

In addition, due to the Cape's mild winters, delightful spring and fall seasons, unexcelled summer months, combined with the area's other natural advantages and leisurely "off-season pace," the area is increasingly attracting retired year-round residents and a larger commuting population.

The Cape Cod towns' economies are orientated toward serving vacationers and tourists. There is little if any likelihood that this situation will change in the foreseeable future. It then follows that what best serves to protect, promote, and so to strengthen these industries best serves the interests of Cape Cod and its individual communities.

The purpose of the establishment of the Cape Cod National Seashore Park is to preserve for all time unique natural and historic features of the Cape. Since these are the very attractions that have directly been responsible for the development of the area's economy, the establishment of the Park cannot be considered as being in conflict with the interests of the Cape and the towns directly involved. On the contrary, with the assurance of an orderly transition period that will minimize and, in

addition, compensate for the immediate financial impact of the Park's establishment upon the Lower Cape towns during this time, it should materially strengthen the area's economy.

With proper planning of land use upon a coordinated basis to insure the highest economic use of lands, while insuring the preservation of the area's great natural advantages both within and without the Park area, vastly greater benefits will accrue from the establishment of a National Seashore Park.

I. In Regard to the Economic Future of the Lower Cape Without the Park

Every indicator points to a bright immediate economic future for the Lower Cape. The economic development of the future will probably be in the recreation industry and thus will have the seasonably and moderate personal income that characterizes the present economic base. There is nothing in the resources, labor force, or position relative to markets that would hold out hope for substantial industrialization. Continuation of development at recent rates will result by 1975 in a resident population of 23,000 and a non-resident seasonal population of 48,000. These compare with a 1955 resident population of 12,000 and a non-resident seasonal population of 23,000. Expenditures by tourists, in 1958 dollars could total \$18,252,000 in 1975 compared to \$8,740,000 in 1958. The amount of growth in seasonal use will generate enough new tax revenue to allow the Lower Cape towns to maintain very low rates of real property taxation.

It must be recognized, however, that without the Park, a change in the area is inevitable. An extension of existing growth patterns that are currently creating tax revenue are at the same time reducing the very values which have made the area attractive, and increasingly so each year.

II. In Regard to Future Economic Development as a Result of the Park

The establishment of the National Seashore Park will have many positive economic effects on the area. It is estimated that as a direct result of the visitation generated in the first few years after the opening of the Park a total of over

\$30,000,000 in capital expenditures on commercial facilities (including retail trade, service, and personal accommodations) and on the Park facilities will be made. Just on the basis of an estimated increment of 1,000,000 visitor days which would result in four years if the rate of growth were similar to that experienced at the Cape Hatteras National Seashore Park direct wage payments should increase by \$2,800,000 annually. The impact of these wages is estimated at 2.5 the direct wage payment resulting in a \$4,660,000 supplement to local income. While this is a rough approximation the estimate itself is conservative in that only 11% of service receipts are estimated as wage payments, and the growth rate will probably be much greater than that at Cape Hatteras because of the Cape's closeness to major population centers. In addition, the establishment of the Park should result in a material increase in the value of land areas outside the Park and create a greater demand for seasonal properties.

III. In Regard to Reservation of 10% of Park Area

Section 5(b) of S.2636 provides for the allowance of private residential development within the bounds of the Park upon an area (undefined) equivalent to 10% of the private lands to be incorporated into the Park.

As has been pointed out, such a reservation has considerable potential fiscal value to each town. This potential, however, will depend upon the density of habitation allowed by the Secretary of the Interior under the zoning restrictions which he must approve; the location of this land in the Park; and whether the 10% will be in one or few parcels or whether it is distributed in many small parcels.

Potential benefits to be derived by the towns from the provisions of Sec. 5(b) of S.2636, however, must be counter-balanced by considerations of the quality of the Park as a recreational facility and its development as an outstanding national attraction that will best serve the interest of the Cape and its individual communities.

Since the Park is being established in order to preserve the Cape's beautiful scenery, its interesting geology, its wealth of plant and animal life, and its colorful history, and since such preservation is in the long-range interest of the Cape and the lower Cape towns directly affected, it is felt that in establishing the bounds of the

Park no compromises should be made that would conflict with its initial purpose or ultimate objectives. To do so would not best serve either the interests of the Park or of the towns involved.

Therefore, the bounds of the Park should be firmly established at the outset so as to reasonably provide for the fulfillment of its ultimate purposes.

It is not recommended that provision be made for the reservation of an area, equal to 10% of the private lands in the area of the Park within each town, for private development. In the event that the present proposed bounds for the Park include any areas not essential to the Park's proper development and not necessary to the fulfillment of its over-all objectives, it is recommended that such areas be excluded forthwith. It is felt that to proceed otherwise would lead to confusion, conflict, and uncertainties.

IV. In Regard to the Need for Payments in Lieu of Taxes

The fiscal status of the six Lower Cape towns, Provincetown excluded, is excellent. Due to their extensive tax bases in relation to population, they enjoy low tax rates and comparatively high expenditures per capita. This means that standards of service are high and the cost of government is low.

The fact must be borne in mind, however, that in spite of the comparative wealth of the Cape communities, their municipal economies are extremely sensitive. This is due to the fact that while their average assessed valuation per capita is extremely high, total assessed valuations are low. As a result, comparatively small expenditure, or a comparatively small loss of tax revenue, has a considerable impact upon their tax rates.

This fact should be given serious consideration in connection with the establishment of the Park and the withdrawal of taxable property from the towns' tax rolls, particularly with reference to the towns of Eastham, Wellfleet, and Truro.

An analysis of the revenue needs of the communities clearly indicates that under any course of action in regard to the acquisition of land there is a need for payments

in lieu of taxes to eliminate any fiscal shock to the communities.

It is suggested that a more equitable way of handling the "in lieu" payments than that provided in Section 8(c) of Senate Bill 2636 would be to make in lieu payments for the full loss of taxes the first year and in succeeding years to reduce the payment by $\frac{1}{2}$ the revenue derived by the town from new construction in that year.

In the event that the National Seashore Park is established the following recommendations are submitted for consideration:

I. With Reference to the Acquisition of Required Properties for the Park

In order that the Park may be established and become a functioning unit of the National Park Service without delay, and to insure its establishment at minimum cost, it is recommended that all vacant lands to be acquired be obtained forthwith.

It is estimated that property values are appreciating at the rate of 10% per year and that this rate will accelerate with the ever-increasing demand for land for development purposes on the Lower Cape. To postpone the acquisition of this property would very materially increase the ultimate cost of establishing the Park as well as impose a hardship upon present land owners who will be faced with the eventual loss of their property rights.

With reference to the acquisition of other properties, regardless of the method employed, it is recommended that these be acquired over an extended period of time as has been the practice of the Park Service in the past. By so doing the impact of any fiscal burden to be imposed upon the towns would be minimized and time so gained would allow the increases in valuations that will be generated by the establishment of the Park to develop and thus compensate for losses suffered.

While it is recommended that the acquisition of the properties required to establish the Park be extended over a period of time, it is not recommended that the Park Service be so restricted as to prohibit it from the outright attainment of those few properties, improved or otherwise, that may be determined necessary for the most advantageous location of park service centers and other facilities essential to the most effective and desirable operation of the Park. It is felt that to do so would be

to the disadvantage of both the Cape towns and to the Park in the fulfillment of its objectives.

II. With Reference to the Need for Coordinated Planning

The development of the Cape as a summer residence and vacation area has over the years progressed down the Cape. This development has only recently reached into Eastham, Wellfleet, and Truro which now may expect increasingly rapid development during the years ahead.

As the inexorable march of vacationers has progressed down the arm of the Cape, much of the charm that is Cape Cod has been destroyed by uncontrolled commercialism, congested cottage and camp colonies, neon lights, and the like. These same destructive influences are now filtering into the Lower Cape.

The establishment of the Park will insure the preservation of some 30,000 acres of the Cape and many miles of shore line, for the most part in its natural state. It will not insure the fact that the towns within which its bounds lie will not allow their remaining areas to be exploited in such a manner as to ultimately destroy their scenic, historic, and aesthetic values, and entire way of life. Indeed, the establishment of the Park and the fulfillment of the demands for development that its establishment will generate, if not properly planned and controlled, will hasten the day when these values, outside the Park area, will be lost. Should this happen, the maximum value of the Park to the Cape towns, and some of the value of the Park itself, will be lost.

It is felt that it is important that the lower Cape towns immediately initiate a coordinated planning study which will produce a future land use plan that will insure the best and highest economic use of the towns' remaining land areas and the preservation of their existing attractions. This should be followed by the enactment of zoning bylaws that will insure the plan's effectuation.

The establishment of future land use plans by the towns should be coordinated with the plans of the Park Service for the development and use of the Park area.

The importance of advanced and thoroughly coordinated planning cannot be over-emphasized.

TABLE I
ASSESSED VALUATION 1949 - 1959

	<u>Chatham</u>	<u>Eastham</u>	<u>Orleans</u>	<u>Provincetown</u>	<u>Truro</u>	<u>Wellfleet</u>
1949	10,522,900	2,320,730	5,165,870	6,365,000	2,214,398	3,128,017
1950	11,621,870	2,616,750	5,534,290	6,400,000	2,397,675	3,344,941
1951	12,582,660	2,640,537	5,917,390	2,764,650	2,519,817	3,632,785
1952	13,402,720	3,283,980	6,275,370	2,777,000	2,684,980	3,942,015
1953	14,476,210	3,556,260	6,620,000	8,918,400	2,873,444	4,312,198
1954	15,656,130	3,830,170	6,968,410	8,924,715	3,031,579	4,494,700
1955	16,921,810	4,142,825	10,183,940	9,062,620	3,148,203	4,706,465
1956	18,208,635	4,384,795	10,921,105	8,886,820	3,303,644	4,960,000
1957	19,384,620	4,766,415	11,633,985	9,959,372	4,171,145	5,312,880
1958	20,835,590	5,107,075	12,183,790	10,037,879	4,317,735	5,664,300
1959	22,085,750	5,512,440	12,838,205	10,362,820	4,506,109	6,061,750

TABLE II
TAX LEVIES 1949 - 1959

	<u>Chatham</u>	<u>Eastham</u>	<u>Orleans</u>	<u>Provincetown</u>	<u>Truro</u>	<u>Wellfleet</u>
1949	306,918	66,693	160,339	276,335	57,580	100,673
1950	303,985	75,319	163,266	364,800	74,373	100,954
1951	341,793	83,922	174,567	333,057	73,499	121,533
1952	363,820	100,457	272,597	382,677	80,991	126,144
1953	390,939	110,884	217,793	347,818	95,372	134,756
1954	424,811	141,716	234,108	305,538	118,783	144,366
1955	507,978	156,065	407,335	410,485	110,769	150,606
1956	557,993	162,952	318,167	496,787	126,130	173,600
1957	628,061	173,974	415,696	510,310	138,247	185,650
1958	714,371	189,703	421,859	554,385	142,485	198,664
1959	728,857	221,308	476,561	561,516	158,326	224,915

TABLE III

TAX RATES 1949 - 1959

	<u>Chatham</u>	<u>Eastham</u>	<u>Orleans</u>	<u>Provincetown</u>	<u>Truro</u>	<u>Wellfleet</u>	<u>State Ave.(351)</u>
1949	29.00	28.50	30.80	43.00	26.00	32.00	42.95
1950	26.00	28.50	29.50	53.00	31.00	30.00	44.86
1951	27.00	27.00	29.50	38.00	29.00	33.00	47.33
1952	27.00	30.40	30.30	43.60	30.00	32.00	48.93
1953	27.00	31.00	32.70	39.00	33.00	32.00	48.76
1954	27.00	37.00	33.40	34.00	39.00	32.00	50.48
1955	30.00	37.50	27.00	45.00	35.00	32.00	52.84
1956	30.50	37.00	29.00	50.00	38.00	35.00	57.79
1957	32.40	36.50	35.60	51.00	33.00	35.00	61.58
1958	34.30	37.00	34.50	55.00	33.00	35.00	64.35
1959	32.90	40.00	37.00	54.00	35.00	37.00	66.49

*Equalized Tax Rate - 1959

20.90	12.10	19.50	27.20	12.80	13.70	26.88
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**Per Capita Direct Tax - 1959

233.91	199.79	216.52	164.43	186.05	166.99	128.37
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*Equalized rates are rates which would have been in effect if all property were assessed at its full market value as estimated by the State Tax Commissioner for 1959 (House Document No. 2833, 1959).

**Per Capita Direct Tax is the total tax assessment in 1959 on real and personal property and polls divided by the 1955 population (State Census).

TABLE IV

Distribution of 1959 Tax Rates - All Massachusetts Cities and Towns

<u>Tax Rate</u>	<u>Cities</u>	<u>Towns</u>	<u>Total</u>
120.00 - 129.99	-	2	2
110.00 - 119.99	-	2	2
100.00 - 109.99	1	4	5
90.00 - 99.99	-	23	23
80.00 - 89.99	4	36	40
70.00 - 79.99	9	58	67
60.00 - 69.99	13	83	96
50.00 - 59.99	10	52	62
40.01 - 49.99	2	29	31
30.00 - 40.01	-	21	21
20.00 - 29.99	-	2	2
	<u>39</u>	<u>312</u>	<u>351</u>

TABLE V

All Massachusetts Towns With Tax Rate of \$40.00 or Less - 1959

<u>Town</u>	<u>1959 Tax Rate</u>	<u>Equalized Tax Rate</u>	<u>Per Capita Direct Tax</u>	
Granby	36.00	33.60	107.79	
Foxboro	32.40	32.90	124.42	Recently Revalued
Middlefield	31.00	30.30	119.97	Recently Revalued
Amesbury	35.00	26.70	76.48	Recently Revalued
Rockport	29.00	24.20	154.71	Recently Revalued
Andover	26.00	24.20	146.80	Recently Revalued
Belchertown	39.00	21.30	55.28	Recently Revalued
<u>Chatham</u>	32.90	20.90	233.91	
Otis	36.00	19.60	120.53	Population 491
<u>Orleans</u>	37.00	19.50	216.52	
Tolland	38.00	19.40	211.32	Population 101
Webster	38.00	19.40	59.49	
Dudley	38.00	19.00	77.96	Recently Revalued
West Hampton	40.00	17.20	30.95	Population 535
Mt. Washington	33.00	16.70	278.17	Population 42
West Tesbury	38.00	16.40	175.08	Cape Town - Pop. 357
<u>Wellfleet</u>	37.00	13.70	166.99	
Russell	39.00	13.50	77.85	
Somerset	39.00	13.20	120.08	
<u>Truro</u>	35.00	12.30	186.05	
<u>Eastham</u>	40.00	12.10	199.79	
Chilmark	32.00	12.00	257.73	Cape Town - Pop. 242
Gosnold	31.00	10.20	254.41	Cape Town - Pop. 100
State Average	66.49	26.88	128.37	

TABLE VI

Towns With Tax Rates of \$40.00 or Less.

(Eliminating those with recent revaluations and those with populations of less than 500)

	<u>Tax Rate</u>	<u>Equalized Tax Rate</u>	<u>Per Capita Tax Rate</u>
Granby	36.00	33.60	107.79
<u>Chatham</u>	32.90	20.90	233.91
<u>Orleans</u>	37.00	19.50	216.53
Webster	38.00	19.40	59.49
<u>Wellfleet</u>	37.00	13.70	166.99
Russell	38.00	13.50	77.85
Somerset	39.00	13.20	120.08
<u>Truro</u>	35.00	12.30	185.05
<u>Eastham</u>	40.00	12.10	199.79
State Averages	66.49	26.88	128.37

Senator Moss. Both Senator Kennedy and Senator Saltonstall had intended to come and testify today. However, because of the very limited time, they have asked for and been granted permission to file written statements for the record. They will be placed in the record of hearing.

(The statements referred to follow:)

STATEMENT OF HON. JOHN F. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Mr. Chairman, it is a pleasure to appear before this committee as it conducts its second hearing on S. 2636 to establish a Cape Cod National Seashore Park.

I am convinced that the time is ripe for the establishment of this park along the lines recommended in the bill which Senator Saltonstall and I filed last summer and which we have attempted to improve and clarify since that time. Though we shall want to consider with care the suggestions which will be made by representatives of the Cape Cod communities on the boundaries of the park as well as on some other phases of the bill, I am fully persuaded that this bill in its general conception and framework is adapted to the special requirements of a park on the lower cape. We have made every effort to write a bill which incorporates provisions which will suit the cape environment and at the same time insure the establishment of a first-rate park area. From both the public and expert response which we have had to this legislation we have reason to believe that our legislation may help to set a pattern for future seashore park development in other parts of the country.

There is danger, it seems to me, that we become so excessively absorbed with small matters of detail that we lose sight of the essential values and purposes of this park. Though it is not humanly possible to foresee all eventualities or to take account of all hypothetical future trends, I do feel that we have formulated legislation which is flexible enough to accommodate a healthy future growth for the cape and yet preserve an outstanding area for public enjoyment and conservation.

We have made every effort to bring to bear upon this legislation the best possible thought and research. Members of our staffs have participated in many meetings with officials of the cape and with outside consultants in an effort to devise legislation which is fair and workable. At our suggestion the National Park Service was able to obtain money to permit the Economic Development Associates of Boston to undertake a special economic impact survey which would measure the major effects of the park upon the six most vitally affected communities. The findings of this report support in very large measure the principles and specific adaptations in S. 2636. We have perfected the bill in several of its technical features as a result of our own further study, the economic survey, and a special research report prepared under the auspices of the Harvard Legislative Research Bureau.

I feel very strongly that the chief requirement now is that the Congress act in good time so that we can take advantage of this great national asset on the cape. Continued delay means an uncertain and extended period of transition for communities on the cape. Hopes have been aroused and we should in all fairness try to bring this matter to decision as soon as possible. I am grateful that this hearing, which will broaden the record already established at Eastham, is one more step in this direction. I hope that this committee will be inclined to take action on the legislation and will recommend to the Senate the early establishment of the Cape Cod National Seashore Park. I can assure the committee that the Senators from Massachusetts will cooperate in every possible way to bring this proposal to realization.

STATEMENT OF THE HONORABLE LEVERETT SALTONSTALL, U.S. SENATOR FROM MASSACHUSETTS

Mr. Chairman, I am pleased to offer testimony to your committee again, and I am grateful to the committee for holding its second set of hearings—this time in Washington—on S. 2636, the bill which Senator Kennedy and I have filed to establish a Cape Cod National Seashore Park. These hearings represent

another important step in the legislative process, hopefully real progress toward eventual enactment of the measure.

I believe the public record on this proposal is already comprehensive. There has been plenty of time and opportunity for views to be articulated, suggested changes to be prepared and presented, and a general examination of the many dimensions and ramifications of the idea. Many meetings and consultations have been held, resolutions of support and opposition have been drawn up, amendments have been proposed, press releases have been distributed, editorials have been written, and correspondence has been exchanged. I hope that I am right in believing that the matter before us has been fully aired with Senators and Congressmen, their staff members, administration officials and Park Service technicians, town, county, and State officials, representatives of interested civic, social, and business organizations, and private individuals—in short, those most concerned with and affected by the proposal.

When these hearings are finished the record should be complete, and the committee can proceed with its final consideration of the legislation. I have a few brief points to make in an effort to touch upon the essential factors involved in a helpful perspective.

First, I am convinced that the majority of the people in the area directly affected by the proposal—the lower cape towns of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown—support a National Seashore Park on Cape Cod along the lines set forth by S. 2636. I also believe that the majority of the people of the Commonwealth of Massachusetts who are aware of the proposal stand behind it. Let me cite some statistics on recent correspondence which contribute to this conclusion. Since the announcement by the committee on June 3 that these hearings would be held, I have received communications from 228 persons on the bill: 221 have been in favor of the legislation, 7 have been opposed; 43 of the favorable letters and 6 of the unfavorable letters came from Cape Cod itself. From the end of March through June 21, 1960, 367 persons recorded their views with my office by written communication: 333 of these were favorable and 34 were unfavorable. Taking the Cape letters alone on this "total" tabulation, 84 were "for" and 31 were "against."

Second, I wish to make clear my own continuing firm belief in the need for a Cape Cod National Seashore Park to be established without greater delay. Nothing which has happened in the year 1960 has served to change the situation as I viewed it in a passage composed following the hearings in Eastham last December—indeed publication of the 1960 census figures, increased industrial and commercial growth along our eastern seaboard, and specific building going on along or adjacent to the Cape's great outer beach itself only to serve to convince me further of the validity of that conviction:

"As our society grows, the responsibility of Government to preserve certain untouched areas of our country's glorious natural beauty increases. As our cities and suburbs spread, as the invasion of asphalt and harsh neon glare continues, as the smoke and grime of our great industries multiply, this obligation for the future becomes more and more pressing. Rapid commercialization must be stopped from destroying the original beauty of an irreplaceable part of America's heritage."

One of the letters I have received discusses "the resources which were once believed inexhaustible vanishing before our eyes"; asserts that the "Cape of Thoreau is already a dim memory," and asks for help "to end further carnage." Another claims that "the plain and observable fact * * * is that from one end of the Cape to the other the march of the bulldozer is going on unchecked." These comments speak eloquently in identifying the need.

Third, the most important and complicated problem before us is to preserve the scenic and historic features of Cape Cod without injuring or unduly restricting the towns and individual citizens directly concerned. In the work which went into preparation of the original bill, its sponsors painstakingly attempted to recognize the special characteristics of the lower cape and to serve as constructively as possible both the interests of conservation and town life and development. The result was a legislative proposal hailed by many as uniquely effective in resolving the various questions arising out of this dual purpose. This was accomplished by virtue of provisions spelling out the park's boundaries precisely, guaranteeing continuing residential property ownership, and the use dependent upon the adoption of reasonable zoning arrangements within the park area, setting up a local advisory commission, and authorizing

payments in lieu of taxes by the Federal Government as a shock absorber for the towns giving up land. A provision which would have set aside 10 percent of the park land for future development was omitted from the revised version of S. 2636 submitted to the committee by myself and Senator Kennedy, since testimony received at the first set of hearings and consultation with conservation and planning experts indicated substantial doubts as to the desirability of the measure from both "proponents" and "opponents." I think that as we give final consideration to this bill—now many months after it was originally filed—it is important that we not lose sight of its unusual features which are effectively devoted to preserving the special interests of the area and the people involved.

Fourth, we have heard a good deal about the difficulty of including varied recreational privileges in a park without undermining its basic purpose of preservation. The word "recreation," however, which seems to symbolize the struggle between the forces of destruction and the forces of conservation, is somewhat misleading. The National Park Service has long experience and a fine record in simultaneously seeking both objects—the conservation and preservation of a great natural area and the availability of various recreational outlets within it. It has not allowed its desire to carry out the latter objective to frustrate its prime purpose.

In its memorandum dated March 1960, the National Park Service has, I think, given adequate assurance that proper administrative controls will be placed on tenters, campers, and other visitors so that they will not be allowed to "verrun" Cape Cod and thus destroy the very natural beauty it is trying to protect. In this respect, the argument that the existence of a national park on the Cape will be an "invitation" for the 50 million Americans who live within a day's drive to come and gobble up the great beach and the inland towns is irrelevant. The really pertinent fact is that increasing numbers of these people are going to visit the Cape regardless of whether there is a park or not, and chaos can result unless the existence of a park provides the already-needed means to handle them, to control them.

We cannot advocate "preservation" in a vacuum. We hope to keep the Cape largely the way it is in order that the people who live there now can continue to enjoy it and so that other Americans, in dire need of the natural grandeur of the clean, open spaces, will find an outlet from their crowded, grimy, urban lives. "Recreation" merely enables people to share the park's refreshing beauty. This dedication to the spiritual replenishment of modern man is the essence of the whole concept of a park on the Cape.

Fifth, further delay can only inconvenience everyone and harm the basic interests of the project. Individual homeowners won't know what to do with their property. Long-range zoning and economic planning efforts of the towns will be frustrated. Further commercial inroads will corrupt more of the area's natural beauty. The fact that all the specifics, all the details, all the so-called "imponderables" on the project cannot be unequivocally answered now is not sufficient reason to argue for postponement, as long as the major problems involved have been satisfactorily resolved. I believe there is plentiful evidence that they have been in this case. We must continue to move forward before it is too late.

I wish to ask permission to have inserted in the record of these hearings the following documents: An article from the May-June 1960 issue of *Massachusetts Wildlife*, by Lewis A. Carter, entitled "Cape Cod National Seashore Park"; the recent exchanges of correspondence between Senator Kennedy and myself and Mr. Norman H. Cook, president of the Cape Cod Chamber of Commerce; a letter from Gov. Foster Furcolo and my reply to it; and letters from Cape Cod Chapter No. 96 of the Disabled American Veterans, the Cape Cod Park Commissioners' Association, the Building and Construction Trades Council of Greater New Bedford, Cape Cod, Martha's Vineyard, and Nantucket, the American Veterans Committee, and the Garden Club Federation of Massachusetts.¹

Thank you.

Senator Moss. Congressman Silvio O. Conte, has asked that his statement be included in the record. It will appear at this place in the hearing record.

¹ The exhibits presented with this statement appear in its appendix to this record.

(The statement is as follows:)

STATEMENT OF HON. SILVIO O. CONTE, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MASSACHUSETTS

Mr. Chairman, I am pleased to be granted this opportunity to speak before your committee on the proposal to establish a Cape Cod National Seashore Park which I firmly believe to be in the best interest of this Nation already beset by the steady loss of one of its major resources—natural beauty.

Last year I joined with my colleague, Representative Hatings Keith, and with Senators Leverett Saltonstall and John F. Kennedy in introducing a measure which would create a seashore national park on Cape Cod, Mass.

This was done because it was quite evident to us that spreading population and urban development seriously threatens the unspoiled beauty of the internationally known and loved shoreline. Without prompt action on the legislation being considered today, Cape Cod will soon become nothing more than an extension of the suburban-type living with which we are all so familiar, and everyone will be a loser.

While a member of the Massachusetts State Senate I became vitally interested in the conservation of our natural resources and in recent years have become very disturbed over the way we, as a nation, are frittering away our natural heritage.

This is not being done with intent, but simply through ignorance and carelessness. Unquestionably, the tremendous population growth and the march of progress makes it necessary to take up additional land, and understandably people and industries want to move to the most attractive areas.

As an excellent example, let us take the very section of the country we are talking about today—Barnstable County in Massachusetts, better known as Cape Cod.

In 1950, the population of Barnstable County was 46,805.

According to the 1960 preliminary figures issued by the Bureau of the Census, the county's population has soared to 68,734. This is a phenomenal increase of 47 percent.

This surge of new residents to Cape Code simply means that there is just that much less area that could be considered as still in its natural state.

I would not want to impede this expansion, but I do say that we must set aside certain areas of outstanding or unusual interest and beauty in order that our people can continue to enjoy them in the years to come.

There is so little of our shoreline today that remains in its natural state or even close to it that a delay in this bills' approval could well mean the complete disappearance of undefiled beach. This would indeed be a tragic loss.

I also believe that the very people who oppose this farsseeing measure would be among the first to express regret with the ever-advancing degradation of their principal asset—the inspiring natural shore—and the consequent loss of attractiveness and value.

Knowing that a national park in an already settled area could well impose hardships on residents, the bill was carefully drafted to protect the interests of the citizens of the six communities involved. In effect, what we are trying to do is preserve the beauty of the shoreline as it is today without destroying the legitimate rights of existing residents, and at the same time insure to future generations a lovely heritage which now means so much to so many.

I only recently learned of any serious opposition to the park, but I believe that this is an outgrowth of needless fears and the promptings of special interests. It is inconceivable to me how anyone can seriously oppose this measure designed only to protect and preserve what makes the area so precious to the Nation and valuable to current property owners.

Failure to take action on this bill will mean that in a few short years an influx of honky-tonks, amusement centers, and tourist traps will eliminate the magnificent beauty that now provides so much enjoyment, and makes that section of the cape from Chatham north to Provincetown a local and national asset.

This could only result in a decline in value and a tremendous loss to America that could not be counted in monetary terms, but more important in terms of unspoiled scenic splendor and natural heritage.

In closing, I would like to insert in the record copies of two editorials from the Berkshire Eagle of Pittsfield, Mass., a portion of an editorial from the North Adams (Mass.) Transcript, and an editorial from the Springfield (Mass.)

Union supporting the urgent need for this legislation lest we lose a priceless asset that could never be regained or replaced.¹

Senator Moss. Last year, in 1959, hearings were held in Massachusetts on this bill and a number of witnesses were heard. Transcripts of that testimony have been prepared and are available. We are holding this further hearing today so that we may have further testimony. It is hoped that none of the testimony that we receive will be repetitious. There is no point in repetition.

We are also governed by a very difficult time situation. As I am sure everyone knows, the Congress is now operating on an almost around-the-clock basis. A number of bills are up and votes will be called during the afternoon. It may be necessary to interrupt this hearing at any time so that I may proceed to the floor to vote, and sometimes, when we become involved over there, it may be a long period of time before I could be free to return.

Because of the number of people that wish to be heard it will be necessary that we limit very severely the time that each witness may take. If a witness has prepared his testimony in written form, it would be desirable for him to submit that testimony to be placed in the record, and spend just a very few moments summarizing or highlighting what the witness has to say. It will not be possible to read in detail long transcripts of testimony before this committee.

A hearing was held this morning before the subcommittee in the House of Representatives of the Interior and Insular Affairs Committee. Some witnesses were held there. I understand that there was a very severe limitation of time over there, and to the extent that it is possible we will permit those witnesses who were permitted only to say a few words to have a chance to make an appearance here today.

Congressman Keith, who represents the district in which the Cape Cod National Seashore area lies, is present. Congressman, we will call on you first for whatever you may wish to present.

STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM MASSACHUSETTS

Mr. KEITH. Senator, it is good to be back with you again. I regret that more of your colleagues in the Senate couldn't be here to hear the townspeople of the lower cape on this most important issue. I would like to preface my remarks by reminding those who read the reports of this meeting that the original cape park that was discussed was primarily the outer beach, and then as the problem was more fully understood there began to be a recognition of the need to have backup land to protect those who came down to see the outer beach.

A bill was filed, as you know, by other Members of Congress which was very broad and sweeping in its content and provided very little protection for the homeowner, of which there are a great number throughout the entire area under consideration. So Senators Kennedy and Saltonstall and their staffs joined with me and my staff in seeing if we couldn't resolve the problem that was faced by the initial legislation, the hardship on the individual that would be forced to move, the hardships on the towns that would lose the revenue from the tax-

¹ The editorials appear in the appendix to this record.

able property that would be taken in connection with the original legislation, and we came up with a bill which protected the rights of the individual, which provided economic protection for the towns, and which also, by the provision for an advisory commission, made certain that the opinions of the cape would be reflected in the attitude of the management of the proposed seashore.

When we filed our bill, we accompanied it with a statement in which I said that "I recognize that the boundaries proposed in this bill will not be satisfactory to all concerned." We all stressed that the bill was flexible in nature. Our bill provided that the towns could have additional real estate developments within the proposed seashore to the extent of 10 percent of the entire taking.

The Department of the Interior has recommended that that provision be stricken from the bill. That makes the discussion of the boundaries even more pertinent than it would have been had this 10-percent provision been left in there, and it was pertinent in the first place. So this hearing today serves a very useful purpose because, with the attitude of the National Park Service in saying that the 10-percent provision should be stricken, they have given added need to the discussion of the boundaries. And as the Congressman representing the towns that are involved on the cape as a whole, I want you and your committee to know that in my opinion these recommendations which the selectmen from the towns will make here today are beneficial to the purposes of a national seashore, in that they will allow the towns additional room for residential development in the area and prevent the crowding of the balance of the cape so that in the long-run more of the cape will be preserved for posterity than would be the case if we took such a substantial area as contemplated in the initial boundary.

Thank you very much, sir, for calling upon me.

Senator Moss. Thank you very much, Congressman Keith.

The Honorable Francis Biddle, former Attorney General of the United States, testified in the hearings which were held on the cape last year. He is here to appear again today.

We are very happy to hear from you, General Biddle, and have any new summary or information you have for us. Thank you.

STATEMENT OF HON. FRANCIS BIDDLE, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. BIDDLE. Thank you very much, sir. It is fine to appear before you again.

Senator Moss. We are pleased to have you, sir.

Mr. BIDDLE. I won't go over the testimony that you heard. I was hoping that I could enlighten some of your other brethren, but I will confine myself only to a few very small things and be brief.

I am referring now to the committee print of S. 2636, which I understand has the suggested corrections made largely as a result of the report of the Secretary of the Interior to the bill. I might say, first, that I have no objection to any of the suggested amendments made by the Secretary or to the suggested changes, with two exceptions. One, they think that no compensation in lieu of taxes is necessary. I still think it is and that is in the bill still, I understand. And the other

goes back, I understand, also, to the original Neuberger bill and the bill sponsored later by some 20 members of the committee and other Senators, which provided that the Secretary with respect to seashore park could, in his own discretion, set aside three parks. That, of course, later will be expanded into the Secretary setting aside for any national park. Congress will no longer have hearings. And I think that the importance of the community, where their homes are being taken, to have hearings before you is still essential, as it always has been; so I think it is fair to say that everybody on the cape is opposed to that function, simply the abolition of congressional hearings. That is solid, I think, one of the few points on which we all agree.

Now, there are simply two features, and I may go back to some of the things I said, but very briefly, of the bill that I would like to speak of. One is the so-called uses of the bill, which you will find on page 26. You remember—Senator Moss and several of the witnesses have concurred in this before the House hearings, particularly Representative Keith—I have emphasized the two functions of the park, one for recreation and the other for preservation, and that if recreation ran wild and it was opened up, as in some of the western parks, where you could have everything and there was room for everything in this very narrow little strip a few miles across, it would simply kill the cape, within $2\frac{1}{2}$ miles of Boston.

I propose not to cut down the land to be used, but to cut down the uses. Obviously, originally it was for the use of the great outer beaches. Now the land area has been expanding, but if you still treat it somewhat as a swimming, boating, fishing sea bill and not as a general bill for riding, camping, and so on, that would involve on page 26 cutting out the word "campaign." You will note rather interestingly the words "horseback riding" have been stricken out. That was one small victory, perhaps.

Then I think it very serious to leave in the last phrase "and other recreational activities of similar nature." That means any recreation that you want, because no court would review the phrase "of similar nature" as reducing the Secretary's power. I think it would be really serious if we opened that to general uses.

The other suggestion is with respect to those improved houses whose owners can go on and live in their houses. Remember, that was the great feature of the bill. We saved in Wellfleet alone \$4.5 million by preserving houses which would otherwise have been torn down if they had been made part of the park. People just go on living in these beautiful small houses. That provision is on page 16, beginning with paragraph (d): "The term 'improved property' * * *." I am going to say just a word or two about this paragraph and then I am done. It says "one-family dwelling." Several of these dwellings or homes are two or three small houses together, for instance; but there are a number of others, where your son will, say, live in one house, you in another, and there will be one spare house. I think that ought to be a little bit broader. I simply take out the words "one-family" and say "dwelling or dwellings."

Then there was struck out a phrase in the former bill, the bill which was before you on December 9, which you will find on page 17. It is the second sentence from the bottom of the page where it said:

In making such designation the Secretary shall take into account the manner of noncommercial residential use—

that is, private dwellings—

and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant.

That seems to be an admirable phrase to describe to the Secretary, to suggest to him, really, the kind of thing he should take into consideration in determining the extent of the property which will go with the house. You remember—and I am back down to page 18—that the property is confined to 3 acres. I won't say a great many, but a substantial number of us have bought dwellings with some right of the water on both sides, but chiefly in the bay, and land which in the old days we bought for \$20, \$25, \$30 an acre to protect ourselves from the modern horror—overcrowding—for our own privacy. I suggest that you may wish to take away the 3-acre limitation. It is not a complete limitation, because the Secretary has discretion to give more than that to the dwelling, but it seems to me that either no limitation or a substantially larger one would fulfill the maximum purpose of the bill, which, as Congressman Keith well said, is preservation of a way of life, instead of merely the recreation for the people of the United States.

Let me point to the preface of the bill, the whereas on the front page, and then I am finished. It is interesting to notice that the shoreline area of Cape Cod possesses unique values—cultural, scenic, historic, scientific—that's four—and recreational, so certainly recreation is not overemphasized as against the others, and it says that those should be enhanced for the preservation and inspiration of the people of the United States.

This plan, I understand, that is here has come up as a result of a proposal of some of the communities—Truro, Wellfleet, East Chatham—I believe, and is more a modification of the land to be taken. But this doesn't seem to be the time to spend much time on those comparative details except that a very clever suggestion has come in that instead of now trying to fix the land, which would be very difficult in the later passage of the bill, or to agree in certain areas which might make up the proposed 10 percent to be used for commercial development, we pass the bill with the provision that the Park Service and the owner or owners of the property and the selectmen can negotiate the land up to a certain percentage to be withdrawn from the park.

Thank you very much.

Senator Moss. Thank you very much, General Biddle. We appreciate your appearance and very concise testimony.

I recognized the very fine testimony you gave at the hearing before.

Mr. Henry Guild, of Boston. We would like to hear from you now, Mr. Guild.

STATEMENT OF HENRY GUILD, WELLFLEET, MASS.

Mr. GUILD. I will address myself very briefly to some of the general characteristics of the bill which, it strikes me, are frequently misunderstood. This is the beginning of a very careful and painstaking study of the Park Service and the selection of the property and the boundaries constitute in their opinion, as I understand it, one of the top projects on the Atlantic coast for a national park.

We need national parks, and as time goes on we are going to need more of them, and we cannot lightly dismiss this top possibility from our consideration.

Second, they propose under this bill a wholly new approach to a national park. They propose to maintain as a going concern the lower cape as we see it today. They do not propose, as many people seem convinced, to have a mass of takings by eminent domain and end up with a wilderness full of wild animals and tourists and nothing else. They are trying to preserve the property and the way of life, not only for the people who live there now and enjoy it, but for every citizen of every State in the Union who cares to go and visit it.

This new approach is that the power to take by eminent domain shall be permanently suspended with reference to private dwellings not used for commercial purposes. A householder can retain his house and retain such additional land as the Secretary finds is necessary or desirable for him to continue to have the use and enjoyment of the property in the future as he had in the past. This right is vested in the residents of the towns which adopt minimum zoning regulations promulgated by the Secretary and the act defines those zoning regulations, and they in substance are designed to preserve the cape as it is today.

This is a very happy approach to a national park system for it means, first, that the citizens will not be thrown out of their homes and, second, that the setting up and acquisition of the property will cost the Government and the taxpayer far less. I wish to emphasize as my last point that I am going to make, sir, that time here is very definitely of the essence for lower Cape Cod is on the march and on the march in the wrong direction, and it is later than we think; and if we let this go too long the lower cape will vanish forever under a forest of hotdog stands, honky-tonks, and small house projects.

That, sir, is all I wish to say, and I thank you for the privilege of testifying.

Senator Moss. Thank you very much, Mr. Guild. I agree most heartily with you, observing what is going on in so many of our shoreline areas, and particularly the cape, where I had a chance to visit briefly. The movement of commercial ventures and swarms of recreational facilities is such that now is the time we must act if we intend to act at all on this cape project.

Thank you.

Professor Chermayeff testified before us once before.

We would like to hear from you now, Professor.

STATEMENT OF SERGE CHERMAYEFF, PROFESSOR OF CITY PLANNING, HARVARD UNIVERSITY

Mr. CHERMAYEFF. I am happy to have the opportunity of addressing myself to your person again. I believe the statement can be filed for the record and therefore I am not going to dwell on it.

Senator Moss. Thank you. It may be.

Mr. CHERMAYEFF. If I may, I would like to address myself to one or two points already made and reemphasize them, and particularly points made in the House hearing this morning which unfortunately we had no opportunity to comment on.

The two previous speakers, Judge Biddle and Mr. Guild, both made the point of the conflict between conservation and recreation clear. I don't think this is really the major issue. The urgency is apparent. There can be no doubt, from a layman observer like myself as well as a professional observer like myself. There is a very important thing which is being muddled as an issue all along in the hearings by what I think is an organized opposition, which I think could be properly and legitimately described as a real estate lobby.

This real estate lobby, which is a short-time interest, is in fact claiming all kinds of public issues as their prerogative in the face of the real issue, which is the preservation of a rare and beautiful piece of limited country. Even with the later proposals, which I am rather surprised to find Congressman Keith approving—I am afraid he has been listening to siren voices—it only requires a very brief glance at the map to see that if even partially these proposals are accepted, then the whole of the original concept of a national park and conservation area goes out of the window and you will have neither fowl nor fish nor good recreation. You will have nothing whatsoever.

I am therefore absolutely opposed to these amendments and I maintain my original position that indeed it should go much further than the original proposal and that the highway should be included in the park, if we are not to get the disaster they have on Cape Hatteras where the park boundary and the honky-tonk meet in an uneasy kind of junction like this simply because the highways are not within the conservation and protection area.

There is the other thing which has been discussed at length by various proponents of the towns interest which seem to claim that the small-house economy is essential for the progress of these townships. The other thing is, they speak about the character of these townships. Characters of townships, when there are such—and there is no such thing in East Chatham or Truro; there is no visible township—do not depend upon small houses hidden in the woods. It depends upon planning to preserve either what they have or to make possible some new development in the future. The economy of their towns is not dependent at all upon a scattered housebuilding's economy. In fact, the very accessibility of the cape now makes it patent that its season is going to be lengthened, and they have all kinds of economic opportunities if they will only seize them with intelligence.

This is not a question of more land. It is a question of good planning. Therefore, I am urging once more as I did in my original testimony that by whatever legal means available to Congress there should be called a moratorium on piecemeal planning of the kind suggested here by individual towns doing nothing else, but in all good will, no doubt, in some cases, protecting their interest, and that they should consider this very small parcel of public good as a single problem in planning and action. And I wish to report to you, sir, that since I had the pleasure of addressing you in Eastham defiance of the retro-active clause suggested has been conspicuous.

In my own neck of the woods, and there are many others, which I am sure other people can testify to, they are building for profit, in fact simply raising the price tags for Uncle Sam, so I would like to end on the note that I think there is a considerable amount of not only havoc in the physical sense, but your speculators just ought to be stopped, and I am very anxious that this bill be passed as soon as possible.

(The prepared statement of Mr. Chermayeff follows:)

SUMMARY OF TESTIMONY OF SERGE CHERMAYEFF

Since the Cape Cod National Park hearings at Eastham in December, I believe some subsequent observations can be usefully brought before the congressional committees at this time.

I offer these as matters of emphasis rather than necessarily new points.

1. In spite of provisions to make the proposed bill retroactive to September 1959, a great deal of house building has been "rushed" this winter within the designated park area. By no means all of this is for owner occupancy. To my knowledge some has been deliberately constructed for commercial purposes (i.e. for summer rent).

2. The above, almost overtly a challenge to the legality of the retroactive provision, is, I believe, a reflection of "organized" opposition to the park. "Organized" in the sense that very vocal, active, and influential groups led by Mr. Nickerson and Selectman Frazier have been exploiting the uncertainties and delays since that time.

3. It has become quite obvious to this witness since the Eastham hearings that the opposition has abandoned any genuine intention of a compromise with the long-term public spirited objectives of the park, and is in fact "filibustering" the park out with the assistance of a local minority whose objectives are entirely self-centered and short term, and which can be properly described as a real estate lobby reluctant to miss a killing on property cheaply acquired.

4. The general climate of opinion and view of action taken, readily seen and felt by anyone spending their time regularly within the designated park area, makes the action more urgent than ever. All delay permits the erosion of the resources scheduled for conservation at an ever increasing rate and the retroactive clause is legally weak, threatens to immeasurably increase the cost of acquisition.

5. It is my particular wish to emphasize two aspects of the park proposals discussed in my previous testimony:

i. That the most serious consideration be given to the clarification and provide separation of the issues of conservation on the one hand and public recreation on the other. The latter should perhaps be unequivocally be limited to the great beaches and possibly gull ponds. The "pond public recreation facilities" will in dimensions alone prove difficult to control and continue in what, it must be emphasized again and again, is a very small terrain indeed.

ii. The same consideration of limitation considered with the need, both of "conservation" in the park area, as well as "conservation" implied in so many statements of Cape Codders concerned with preserving the amenities of the lower cape townships in their present "villagish" "uncommercial" and charming form.

The Harvard Graduate School of Design Study of Wellfleet makes it clear that, in the interests of both the park and the townships, Route 6 should be within the park. Such a provision, coupled with wise zoning regulations, based upon intelligent master planning could guarantee the useful "coexistence" of both park and town within the physically limited area of the cape.

I urge further that purely quantitative and arbitrary provisions should now be abandoned and specific carefully considered planning issues be defined. A characteristic administrative absurdity is the Wellfleet selectman's proposal for an area for exclusion which on the north coincides with the Wellfleet-Truro line—utterly irrelevant to geography, topography, and good sense.

Having no reason to change my mind on the major points offered at the local hearings, I respectfully submit the material contained in appendixes 1, 2, and 3 of my testimony before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, U.S. Senate, pages 194-199, to the congressional committees at this time.

Senator Moss. Thank you so much, Professor Chermayeff. We appreciate your testimony.

Miriam DeWitt, of Provincetown.

Mrs. DeWitt.

STATEMENT OF MRS. MIRIAM DeWITT, PROVINCETOWN, MASS.

Mrs. DEWITT. Thank you. I would like to read just a few excerpts from my statement and then have it inserted in the record.

I wish to thank the committee for the opportunity to appear today. My husband and I have been connected with Provincetown for 40-odd years. We are in favor of S. 2636 because we believe that the establishment of the national seashore park is the only way to save Cape Cod. We are convinced this bill will accomplish that commendable purpose while being fair to all parties concerned. But if there is to be a national seashore park worthy of the name, speed is essential.

I have just come from Cape Cod where in the last few days I saw a number of recent developments on land designated for the park. Most, or perhaps all of these, were started after the Eastham hearings. Overlooking Nauset Harbor, not far from the Coast Guard station, within sight of Henry Beston's "outermost house," the Johnson-Rogers real estate firm has bulldozed a road through the pine and cedar woods. Seven-tenths of a mile of road front has been divided into 32 numbered lots. Lot 13 includes the site where Deacon John Doane, first settler of Eastham, built his house in 1644.

A little further north, on the shore of Salt Pond, close to Route 6, a motel has just been built in the middle of one of the most beautiful views on the entire cape—a vista of ponds and inlets framing an upland dotted with cedar. This too is on land designated for acquisition by the park.

Also within the proposed park are two houses under construction, started after the Eastham hearings, on Chequesset Neck in Wellfleet. A little further on, on Griffin Island, a very expensive house is under construction on a brandnew section of road that has been bulldozed through woods across the road from a development of the Wellfleet Real Estate Co.

I have been told by two old residents of the following developments in Truro: To the left of Highland Light, toward the Coast Guard station, new houses have been built in the past 2 months. In the woods along the road to Meadows Beach are several recent houses. Sand is still being removed from a pit behind the chamber of commerce information booth in Truro.

These are just a few examples of the building that, in defiance of the retroactive provision in this bill, is gobbling up wild land and it will add immeasurably to the cost of this acquisition. Park legislation should be enacted speedily. Soon it will be too late.

I have talked with a great many people in the past year about the park. Nearly everyone I have talked to favors this bill. Over 300 people have signed this letter and I have here these signatures to a letter and a petition.

The bill is extremely fair. It will not deprive people of their homes and by the same token these homes will remain on the tax rolls providing income for the towns. Establishment of the Cape Cod National Seashore Park along these lines will still leave the towns with sufficient space for economic growth. The towns do not need unlimited acreage in which to spread out over the hills and seashores. Such so-called growth merely destroys the attractiveness of Cape Cod and drives away the visitors who form the backbone of the region's

economy. The needed economic growth of the towns will come through soaring property values which will go hand in hand with the establishment of the park.

Thank you very much.

Senator Moss. Thank you, Mrs. DeWitt; if you would like to file the petitions with the signatures for the committee files we will be glad to receive them and consider them in our deliberation. We will make sure that your statement appears in full in the record.

(The prepared statement is as follows:)

PREPARED STATEMENT OF MIRIAM DEWITT

My name is Miriam DeWitt. I wish to thank this committee for the opportunity to appear today and testify in favor of the establishment of the proposed Cape Cod National Seashore Park. My husband and I are voting residents of Provincetown and own property there. We are in favor of S. 2636 because we believe that establishment of a national seashore park is the only way to save Cape Cod. We are convinced this bill will accomplish that commendable purpose while being fair to all parties concerned.

Cape Cod is highly worth saving. It is still beautiful—in places. A Cape Codder knows where to find these places—places where, like Thoreau and Henry Beston, he can refresh body and spirit in contemplating a lonely sweep of sand and sea, or a moor where small houses seem to grow out of their gray-green background. A seasoned Cape Codder knows where to go, but a stranger to the cape driving out Route 6 from Orleans to Provincetown, or driving to Highland Light and the cliffs where Thoreau "put all America behind him," often wonders aloud if he mightn't better have stayed home or gone to Maine.

I am a seasoned Cape Codder. I have spent many summers and some winters on the cape since my family first went there in 1912. Each year it is harder to find the real Cape Cod, to get away from the clutter of ill-planned cottages, of motels, neon signs, bulldozer-scarred woods and scalped hills that have been scraped clean of trees and topsoil. It is harder to get away from the signs of man's stupidity, of his neglect of the beauty that brings him his livelihood.

Route 6, once a magnificent road, is looking more and more like Route 28 from Hyannis to South Yarmouth, now a solid line of motels and gas stations. It has become what Bernard DeVoto calls a "linear slum." Each year the blight spreads farther along the side roads, into the woods, over the moors, and out to the shores. It spreads farther and farther into the sections designated for the national seashore park. "Pretty soon," a friend told me the other day, "there won't be anything to save."

If there is to be a national seashore park worthy of the name, speed is essential.

I have just come from Cape Cod, where in the last few days I saw a number of recent developments on land designated for the park. Most, or perhaps all of these, were started after the Eastham hearings. Overlooking Nauset Harbor, not far from the Coast Guard station, within sight of Henry Beston's "Outermost House," the Johnson-Rogers real estate firm has bulldozed a road through the pine and cedar woods. Seven-tenths of a mile of road front has been divided into 32 numbered lots. Lot 13 includes the site where Deacon John Doane, first settler of Eastham, built his house in 1644, where his descendant, Hon. John Doane, placed a stone marker in 1869, and where trees were planted in 1951 in honor of three women who, as a bronze plaque says, "have striven tirelessly to preserve the ideal and memory of John Doane." A boulder blocks the old road to the Doane marker.

A little farther north, on the shore of Salt Pond, close to Route 6, a motel has just been built in the middle of one of the most beautiful views on the entire cape—a vista of ponds and inlets framing an upland dotted with cedar. This too is on land designated for acquisition by the park.

Also within the proposed park are two houses under construction, started after the Eastham hearings, on Chequesset Neck in Wellfleet. A little farther on, on Griffin Island, a very expensive house is under construction on a brand-new section of road that has been bulldozed through woods across the road from a development of the Wellfleet Real Estate Co.

I have been told by two old residents of the following developments in Truro: To the left of Highland Light, toward the Coast Guard station, new houses have

been built in the past 2 months. In the woods along the road to Meadows Beach are several recent houses. Sand is still being removed from a pit behind the chamber of commerce information booth in Truro.

These are just a few examples of the destructive trend. Park legislation should be enacted at this session of Congress. Soon it will be too late.

Nearly everyone I talked to favors this bill. Over 400 people have signed this letter and these petitions in favor of the national seashore park. These are just a small proportion of those favoring its establishment. Many whose homes would be in the park are wholeheartedly for it, feeling that only in this way can they escape engulfment by a tidal wave of honky-tonk.

The bill is extremely fair. It will not deprive people of their homes, and by the same token, these homes will remain on the tax rolls providing income for the towns. I understand that although 70 percent of the area of Truro would be in the park, its tax income would be reduced by only 11 percent.

Through the advisory council, the people of the cape will have a voice in the operation of the park. I share with many others the hope that there will be a minimum of development for recreation. Recreation—or re-creation—is the product of unimproved nature. There are enough roads of access to the ocean at present. The rest should be left for wildlife and humans who like to use their legs. There should be no road along the ocean.

Inclusion of Route 6 within the park, making it a limited-access highway, as suggested by Dr. Chermayeff at the Eastham hearings, would add greatly to the attractiveness of the area and provide further for the needs of those who must view nature from a car.

I believe the 3-acre limitation on present homesites is unnecessary. Owners should be allowed to keep more acreage provided they do not develop it. The chief object of the park is to keep the cape wild. Landowners can do this as well as the Park Service at no cost to the taxpayers.

Establishment of the Cape Cod National Seashore Park along these lines will still leave the towns with sufficient space for economic growth. The towns do not need unlimited acreage in which to spread out over the hills and seashores. Such so-called growth merely destroys the attractiveness of Cape Cod and drives away the visitors who form the backbone of the region's economy. The needed economic growth of the towns will come through soaring property values which will go hand in hand with the establishment of the park. Thank you.

Mr. Robert Levy, of Cincinnati. Mr. Levy.

STATEMENT OF ROBERT LEVY, CINCINNATI, OHIO

Mr. LEVY. Mr. Chairman and members of the committee, my name is Robert Levy. I am a businessman and a resident of Cincinnati, Ohio, and a small property owner in Truro on Cape Cod. I feel a special responsibility in testifying on this bill, because of the numerous friends and acquaintances who have asked me to express their interest in the passage of the bill. These persons in turn represent a much larger group which has come to look upon Cape Cod as one of the few areas offering tangible and irreplaceable monuments to our history and traditions, as well as the uncluttered scenic and recreational values so desirable in the advancing complications of our civilization.

As the only witness in the hearing from the area west of the eastern seaboard, I must emphasize the large stake in the area of visitors, and these are not 1- and 2-day visitors, from the entire midwestern area. This is a sizable group. I have with me a listing of 25 Cincinnati families drawn only from the narrow circle of my friends and acquaintances who have returned year after year to the cape area adjacent to the proposed national seashore. My family has visited the cape area every summer for 17 of the past 20 years and we have noted with alarm and despair the gradual erosion by commerce as well as by nature itself of the priceless assets of the area.

As a businessman I consider that the need for the national seashore is greatest first of all in terms of the cape itself. Several of the witnesses in previous hearings have expressed fears of increased visitation in the area by 1- or 2-day visitors. In my opinion, their fears will soon be realized in fact unless the national seashore is quickly realized first. The continuance of the present weakly controlled commercialism will lead to the type of suburban concentration from which the groups coming from afar, in some cases over a thousand miles, are trying to escape, and, on the other hand, attract the local resident groups interested in the honky-tonk, Coney Island, Jones Beach, Boston Boat type of development for which the cape is so entirely disuited by history and tradition. This will imply a large economic loss for the area in terms of the eastern seaboard, where so large a percentage of our population is concentrated in so small an area, and in terms of the entire country which deeply treasures its historic and biological heritage there would be equally devastating loss.

We have studied the Keith-Kennedy-Saltonstall bill and find it a thoughtful and carefully drawn up piece of legislation to accomplish precisely defined objectives. In our opinion it does a valuable service in proposing arrangements which will be truly effective in serving the area in question while effecting a workable compromise between traditional local and national interests.

We urge upon the committee the approval of this bill.

In closing, may I thank you, Mr. Chairman, for this valuable opportunity to testify in favor of the bill.

Senator Moss. Thank you, Mr. Levy. We do appreciate your appearance and your fine testimony.

(A supplemental statement presented by Mr. Levy is as follows:)

SUPPLEMENTAL STATEMENT OF MR. AND MRS. ROBERT S. LEVY, CINCINNATI, OHIO

This statement concerns the Keith-Kennedy-Saltonstall bill for the creation of a national seashore on Cape Cod.

We feel an especial responsibility in presenting our point of view because of the numerous friends and acquaintances who have asked us to express their interest in the passage of this bill. These persons, in turn, represent a much larger group which has come to look upon Cape Cod as one of the few areas offering tangible and irreplaceable monuments to our history and traditions as well as the uncluttered scenic and recreational values so desirable in the advancing complications of our civilization.

We have visited in the area every summer for 17 of the past 20 years, and it is with alarm and despair that we have witnessed the gradual erosion by commerce as well as by nature itself of the priceless assets of this area.

The need for the national seashore is greatest first of all in terms of the cape itself. The continuation of the present erosion and deterioration can only lead eventually to the creation of another "honky-tonk." As the uncontrolled commercialism in the cape area grows, its unique attraction for the myriads who journey hundreds of miles to enjoy these attractions will fade. This will imply a large economic loss for this area. In terms of the eastern seaboard, where so large a percentage of our population is concentrated into so small an area, and in terms of the entire country, which deeply treasures its historic and biological heritage, there would be an equally devastating loss.

We have studied this bill and find it a thoughtful and carefully drawn up piece of legislation to accomplish precisely defined objectives. In our opinion, it does a valuable service in proposing arrangements which will be truly effective in serving the area in question while effecting a workable compromise between traditional local and national interests. We urge upon you the approval of this bill as written.

Senator Moss. Charles H. W. Foster, commissioner of natural resources from Boston.

Commissioner Foster, we would like to hear from you. I remember your testimony before.

STATEMENT OF CHARLES H. W. FOSTER, COMMISSIONER OF NATURAL RESOURCES, COMMONWEALTH OF MASSACHUSETTS

Mr. Chairman, I am Charles H. W. Foster, commissioner of the Massachusetts Department of Natural Resources, representing today both the department and its board of natural resources, Thomas A. Fulham, chairman.

I have also been asked by His Excellency Foster Furcolo, Governor of the Commonwealth, to present the official greetings of Massachusetts and to urge on his behalf prompt authorization of a national seashore park on Cape Cod.

To supplement earlier statements prepared for the Senate subcommittee in Eastham last December, may I present the following factual information in support of the proposal now pending before your committee.

First, the proposed Cape Cod National Seashore Park has widespread public support in Massachusetts: As evidence of this premise, I would first like to read a brief statement from Governor Furcolo describing the official position of the Commonwealth in this matter.

STATEMENT OF HIS EXCELLENCY FOSTER FURCOLO, GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS

CAPE COD NATIONAL SEASHORE PARK

The history of our Nation, with the first landing of the Pilgrims at what was later to be called Provincetown, had its beginnings on Cape Cod. The peninsula that almost encircles Cape Cod Bay has provided strength to the economy of the Commonwealth of Massachusetts, as well as pride in its historical significance. In later times, this area has become an attraction for countless visitors who come here annually seeking rest, recreation, cultural values, and historic associations.

There are few places in this great Nation where such a diversity of natural wonders can be found. Whether it be the great Atlantic Ocean, which literally surrounds the cape, or rugged hillsides covered with picturesque oak and pine, or clear natural ponds, nature has indeed been bountiful in its endowment of this area.

Yet progress, in the form of an increasing population and mobility, has pressed demands upon Cape Cod for available land and water to the point where manmade forces of development are rapidly overrunning the region's outstanding natural features.

A recent survey by the Department of the Interior has shown that the last major tract of unspoiled sand and shore on the entire north Atlantic coastline is the 30-mile stretch of outer beach and upland on Cape Cod, now proposed for acquisition as a national seashore park.

In 1958, as Governor of the Commonwealth, I recommended in my annual message the establishment of such a national park there; and on numerous other occasions I have worked with the Massachusetts congressional delegation and testified in support of Federal acquisition of this area, because I firmly believe that such action would be for the best interest of our State and the Nation.

I am only too happy to once again lend the prestige of my office to furthering such a plan, in urging that the Congress of the United States take immediate action on making the proposed Cape Cod National Seashore Park a reality.

I, therefore, earnestly recommend that your committee look with favor upon Senate bill 2636 and help Massachusetts safeguard for posterity an area which can then be enjoyed by all of the citizens of this great country for all time.

Second, I would like to introduce for the record the official action of the Massachusetts Legislature in memorializing Congress on behalf of a national park on Cape Cod.

HOUSE, No. 2860, THE COMMONWEALTH OF MASSACHUSETTS

In the year 1958, resolutions memorializing the Congress of the United States to establish a national seashore on Cape Cod.

Whereas there exists on the other side of Cape Cod a magnificent beach, unbroken for 33 miles and constituting one of the unique natural wonders of the United States; and

Whereas this shoreline has been a landmark for mariners and explorers from other countries for nearly 1,000 years of our Christian civilization; and

Whereas this beach and its hinterland are hallowed in the beginnings of the history of our country, being the first land trod by the Pilgrim pioneers of the Mayflower led by Capt. Myles Standish and yielded to them their first drink of fresh New England water; and

Whereas this vast sweep of sand, upland moors, forests, marshes, and freshwater ponds nourishes a host of birds, fishes, animals, plants, and trees; and

Whereas this region is known and enjoyed and brings inspiration to all the people of the United States and many visitors from other countries; and

Whereas this beach has been immortalized in verse, painting, and in literature by American artists and writers for nearly 200 years; and

Whereas the immediate survival of this beach as one of America's greatest natural wonders is imperiled by development of its land area which is inconsistent with its natural and esthetic value to all the people of these United States; and

Whereas this great outer beach of Cape Cod is of interest and value to all the citizens of the United States: Therefore be it

Resolved, That the General Court of Massachusetts requests the Congress to establish a national seashore to be designated as the Cape Cod National Seashore in the area from Race Point in Provincetown to Nauset Inlet in Orleans, bounded on the east by the Atlantic Ocean and on the west by a line to be determined by the Government of the United States and other such areas adjacent as may be deemed necessary, for the use and enjoyment of all the people of the United States, said national seashore to be preserved as nearly as possible in the state in which it was created by nature, to be a source of health and inspiration to all the people of the United States and their descendants forever; and be it further

Resolved, That the General Court of Massachusetts further requests the Congress to enact legislation providing for the purchase and establishment of the national seashore as heretofore described lest this great historic and scenic New England landmark be lost forever to public use by rapidly growing manmade encroachments; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.

Third, I will submit as additional evidence the consistent editorial support received from daily and weekly newspapers throughout Massachusetts.

Lastly, I would like to remind your committee of the many pieces of testimony, written and oral, presented during the December hearings in Eastham in support of the Cape Cod proposal. You will find, in reviewing the transcript, individuals and organizations representing labor, industry, conservation, education, vacation and travel, women, garden, civic, sportsmen, and a host of other distinguished private and public officials, from groups of diverse interest and geographic representation.

I would dare say that the degree of backing given the Cape Cod proposal ranks as high, or higher, than any measure in recent Massachusetts history.

My second point is this:

II. The proposed Cape Cod National Seashore Park is of major significance, not just to Massachusetts, but to our entire region: During the Eastham hearings I presented evidence to show that Cape Cod now lies within a day's drive of 50 million people. This was a shock to many present and will undoubtedly be made much of in subsequent testimony.

The truth of the matter is that this situation will exist, park or no park. In my opinion, the only effective way to deal with the growing onrush of people is to set aside the major remaining tracts of unspoiled land and water in public ownership, develop a carefully regulated pattern of visitor use, and thereby insure the reservation of at least a representative portion of Cape Cod for the benefit of present and future generations.

In my opinion, the bill before you represents the last chance to achieve these worthwhile objectives on Cape Cod. Without favorable action by your committee and by Congress during the current session, the opportunities described will almost certainly be lost irrevocably.

To back up still further the need for immediate action and the regional significance of the proposal before you, I would like to introduce for the record two letters recently received by my office.

STATE OF CONNECTICUT,
PARK AND FOREST COMMISSION,
Hartford, Conn., June 16, 1960.

Commissioner CHARLES H. W. FOSTER,
Massachusetts Department of Natural Resources, Boston, Mass.

DEAR COMMISSIONER: I understand that you will be attending a hearing in Washington next week concerning the proposed national park area at Cape Cod. I would appreciate it very much if you would carry to that meeting an expression from this State of the urgency and need for such an acquisition and development to alleviate the pressure of use at our Connecticut shoreline State parks.

It seems to me that here in New England we have been the recipient of very little of the total expenditures of the National Park Service; in fact, Acadia in Maine is the only national park in New England, and so much of the tax money that comes from our New England States and allocated to the National Park Service has been generally spent in western areas. Inasmuch as the people who are directly concerned with the need for recreation are right here in their own New England States, I believe that it is imperative now to acquire this Cape Cod area before there is any opportunity for the section to be exploited for other purposes.

Very truly yours,

DONALD C. MATHEWS, *Director.*

STATE OF NEW HAMPSHIRE,
FORESTRY AND RECREATION COMMISSION,
Concord, N.H., June 16, 1960.

CHARLES H. W. FOSTER,
Commissioner, Department of Natural Resources, Boston, Mass.

DEAR COMMISSIONER FOSTER: You and I have a concern and responsibility in our separate States to provide for outdoor recreation on public areas. From our association, I have learned that your experience is like ours—we both face the problems of providing adequately for these needs today; yet we both realize that the strong trends to outdoor recreation present even more difficult problems as we look toward the future.

The citizens of our compact New England area desire and need land set aside for these purposes. Furthermore, these scenic, historic, and recreational assets act as a tremendous magnet, drawing tourists from all parts of our own country and foreign lands as well. These needs require a continuing effort toward the selection, acquisition, and preservation of suitable natural areas.

Our State has but a very short seacoast in contrast to that of Massachusetts. The proposal for a Cape Cod National Seashore Park presents the opportunity to preserve an unusual and unspoiled area for the enjoyment of present and future generations living within our region and those who will be drawn to New England from faraway. I do not hesitate to state that, in my opinion, this proposal is of vital concern to the residents of our State and others in New England. Since we are a small neighborhood of States, our natural resources are shared by all without regard to State bounds.

Continuous and increasing efforts are made by the individual States and the New England Council to promote New England's recreational opportunities and to stimulate greater numbers of tourists. Throughout New England and in our State in particular, the long-established and growing tourist industry is a sizable factor in our economy. We must certainly develop greater foresight and exert stronger efforts to keep in balance the opportunities for outdoor recreation on scenic areas with the increasing desire for them. Your efforts to bring favorable consideration to this proposed national seashore park are essential. The proposal is a major step along the course we must pursue.

May I extend my best wishes for your success and offer any assistance I can to your effort.

Sincerely,

RUSSELL B. TOBEY,
Director of Recreation.

My last point is as follows.

III. The Commonwealth's support for the national park proposal represents a request for assistance, rather than a wholesale abandonment of its own responsibilities in this field: Over 300 years ago our colonial legislature took steps to set aside in public ownership the so-called Province Lands, a tract of several thousand acres which marks the first landing of the Pilgrims in the New World. As little as 3 months ago, the Commonwealth concluded negotiations transferring almost 1,000 additional acres of inland dunes and ocean frontage into permanent public ownership. Both of these tracts lie within the proposed park boundaries.

Under a 20-year State parks expansion program, Massachusetts hopes to continue to make steady progress toward the provision of lands, waters, and developed facilities to meet the mounting public outdoor recreation needs in Massachusetts.

I can also point with pride to action taken by individual towns on Cape Cod with respect to acquisition of ocean beach frontage within the park boundaries. Over the past decade, communities of the outer cape, of their own volition and at their own expense, have managed to set aside some 50 town landings and beaches for the use of their own and other citizens.

Despite these commendable accomplishments at the State and local levels, it is obvious that such governmental units alone cannot hope to keep pace with the pressures for commercial exploitation. What is needed, therefore, and provided in the bill before you, is a Federal role in what will then become a partnership undertaking toward the reservation of an outstanding tract of still unspoiled seashore of major significance to literally a third of the Nation.

In that connection—and this is my final contribution—I am today authorized to back up these words with concrete action by the Commonwealth. I was just informed that Governor Furcolo will this

week file with the Massachusetts General Court a special message calling for the establishment of a special commission to immediately explore the feasibility and legal aspects of transferring the State-owned Province Lands and Pilgrim Spring State Park, totaling nearly 15 percent of the proposed park acreage, as a contribution by the Commonwealth toward the establishment of a Cape Cod National Seashore Park. I can think of no more significant indication of the State's prime interest in the proposal before you, nor its sincere intent to advance in any constructive fashion possible the cause of a national park on Cape Cod.

Senator Moss. Thank you very much, Mr. Foster. That is indeed indicative of the interest of the State and the willingness to follow through on this matter.

Mr. Thompson of the National Park Service is with us and we would like to hear if there is anything new or changed from the Park Service since last we heard from you. We would like to have you testify now, Mr. Thompson.

STATEMENT OF BEN THOMPSON, CHIEF, RECREATIONAL PLANNING, NATIONAL PARK SERVICE, ACCOMPANIED BY FRANK E. HARRISON, LEGISLATIVE ASSISTANT TO THE DIRECTOR, DEPARTMENT OF THE INTERIOR

Mr. THOMPSON. Senator Moss, I am Ben Thompson, Chief of Recreational Planning of the National Park Service. Mr. Frank E. Harrison, legislative assistant to the Director, is here with me also.

I believe that the Department had no witnesses to testify at your field hearing in December. However, you do have the Department's reports, as you have mentioned, the May 18 and the April 15 reports, which give the Department's strong backing of this bill and express Secretary Seaton's interest particularly in the urgency of adequate seashore preservation.

If I may, I would like to put the present area in perspective that we are discussing, the Cape Cod area. I would like to read just a few sentences from the Secretary's letter of last year when he first submitted his seashore park proposals to you. He said:

Our views in this regard are based in part upon a survey that we have concluded recently concerning the Atlantic, Pacific, Gulf, and Great Lakes shores. This survey was made possible by donated funds. The objective of the survey was to determine the opportunities that remain to preserve outstanding national shore areas for recreation and other public purposes.

Our survey shows that almost every attractive shoreline area from the Canadian border to Mexico that is accessible by road has been developed in some manner, has been acquired for development purposes, or is being considered for its development possibilities. The few accessible and undeveloped beach sites that are left are scattered sparsely along the coasts. These sites are relatively small and they are going fast. Inaccessible sites, including islands, are almost the only hope for preservation today. Even many of these are now being purchased by real estate interests for subdivision purposes.

That was the finding of the seashore survey of which this was the report, which I am sure that members of the committee have. As a result of that survey, we were granted additional funds to make a survey in more detail of the Cape Cod national seashore possibilities. That resulted in this study report, backed up by this more detailed report which I believe the committee also has.

Our approach to the national seashore proposal that developed out of our more detailed study went beyond the preservation of merely a beach area. If merely beach or beach preservation is to be provided, it seems to us that that could be done very well by the State and by the towns. What we were concerned about was the unique combination of values of the lower cape, and that extends all the way from the salt marshes, the fresh water marshes, the streams, the ponds, the highlands, and the historic houses that are included, and some 65 houses built prior to 1850 are included within the proposed seashore area.

The purpose of the proposed national seashore was to preserve the present delightful, unique, national, and historic character of that area. At the same time to omit the principal village centers and to leave ample room for village growth. We believe that the proposal set forth in these reports and as outlined on our map, more specifically on this small-scale map here, would accomplish that. It would include only about one-eighth of the cape, and the cape itself is a relatively small area. In fact, as a national area it is one of the smallest thus far. I think the Virgin Islands National Park is the only smaller one.

The terms of the Kennedy-Saltonstall-Keith bill, with which the committee is entirely familiar, and as indicated in the committee print, it seems to us give adequate protection for homeowners within the proposed national seashore.

It gives adequate protection for the continuation of town government and town way of life. At the same time it would make possible by negotiation and over a long period of time the acquisition of land, which would stop the inundation of the entire lower cape by commercial developments. Many of the speakers have so eloquently expressed to you today that they don't want such obliteration of the historic character of the Cape.

We agree with Judge Biddle in the sense that we would not wish to make this the kind of area that would spoil the very character of the thing that we are trying to preserve. We feel that the great variety of national values as set forth in Dr. Randall's and Dr. Vinel's portion of the report, the outstanding examples of historic houses surveyed, and the historic architecture that are included within the area, should be preserved by appropriate means and should be interpreted to the public. We have no thought whatsoever of extensive or inappropriate developments to bring great hordes of visitors, which fear has been expressed, into close proximity of the areas that are small and of delicate natural character or of historic significance. It would be our purpose to try to develop the proposed national seashore in such manner as to preserve the qualities that are there and to make the transition from the present commercial and tourist and summer economy to that of something close to a national park to supplement the community life on the cape.

I know of no seashore project which we consider more urgent than this one. The cost of land has gone up significantly since our first reports. The longer the action on the project is delayed, the more the opportunity diminishes to do something worthwhile. We feel that the boundaries as proposed on the map in back of me and as shown in these brochures are very reasonable and would make possible the kind of area that would justify the tax dollars from the people of the west coast as well as the tax dollars of the people who live on the cape. We

feel that it would preserve a cross-section of the values, and nothing more, that should be preserved on the lower cape. At the same time, it does have ample safeguards for the local economy and for the rights of people who are living there.

I don't know what I could say that would add to what the committee already has, but Mr. Harrison and I would be glad to try to answer questions, if we can.

Senator Moss. Thank you, Mr. Thompson. The offer of the Commonwealth of Massachusetts to contribute the areas as mentioned here would be a very significant facet of this proposal to move forward now. Is that correct?

Mr. THOMPSON. Yes.

Senator Moss. I am very pleased that Senator Oren Long, of the State of Hawaii, has been able to join us in this hearing.

Senator Long is very much interested in this subject we have on seashores, and as Congressman from the State of Hawaii I suppose he knows something about seashores.

We are happy to have a number of representatives of the towns that are on the cape who have come to testify, and we would like to hear briefly from several of these people. Mr. John Snow, of Provincetown.

Mr. Snow, we are glad to have you with us again.

STATEMENT OF JOHN C. SNOW, CHAIRMAN OF SELECTMEN, PROVINCETOWN, MASS.

Mr. SNOW. Thank you, Mr. Chairman, it is a privilege.

My name is John C. Snow. I am chairman of the Board of Selectmen of the town of Provincetown. I had made a statement at the previous hearing in Eastham and I shall not repeat that statement. However, we do have new evidence to present at this time which I would like to proceed with.

Senator Moss. Thank you. You may do so.

Mr. SNOW. First of all I would like to present for the record a statement which, because of the limited time that we had and the uncertainty as to when this hearing might be held, was originally presented to the House hearing and prepared for that. However, attached to this is a copy of the plan¹ which we propose should be the boundary of the park in Provincetown, and also a copy of our zoning bylaws.¹

Senator Moss. Thank you very much, Mr. Snow.

Mr. SNOW. I would like to begin by saying this: I was born in the town of Provincetown. I have lived there all my life with the exception of some years when I was in the service during World War II and some years when I served in Washington as a trial attorney with the Department of Justice. I think that I know the cape, and I know Provincetown particularly very well.

I live in a home which members of my family have occupied over the past 200 years, which was originally established on the finger of land known as Long Point, which is at the very tip end of Cape Cod. That house was first located on what was known as Heltown and moved across the bay to the present location of Provincetown.

¹ Filed with the committee.

Now with that background, Mr. Chairman, I would like to say, and we Cape Codders are plain talkers, very plainly that we have come to the cape people who we call imported do-gooders or wonderful strangers who feel that they know more about our problem than we do. We have, since this proposal was originally made, made an intensive study of the various ramifications of the proposed seashore park. We have intensified this study since the hearings were held in Eastham and we became more familiar with the problem. I would also like to say that I think that no one could possibly have been more conscientious in public office than has Congressman Keith, who has very liberally spent his weekends, spent his Sunday mornings, his Friday nights, and his Saturday afternoons down with us in the various towns trying to determine an acceptable boundary of the various towns involved. As a result of our meetings with him and as a result of discussions with members of other towns, and I am speaking only for the town of Provincetown, we felt it would be to the ultimate great benefit not only of the town of Provincetown, but to the U.S. citizenry at large and to the national park if the lines of the proposed taking for the park were severely delineated to the areas which are marked by the yellow line on the photographic map which now appears here.

In the town of Provincetown we would like to modify the line of the proposed taking in accordance with the description which appears in my written statement and which I will not repeat here in the interest of time. Roughly it follows the yellow line to the tip of the cape, the area between the yellow line and the inner or righthand side broken red line in the town of Provincetown. This proposed new line does three things. It gives the national park the entire major dunes seacoast area. It reserves to Provincetown the scrub, wooded, and ponded and flat areas of the Province lands for development by Provincetown. Our position is peculiar. We have been crushed against the sea. It assumes the continuation of the Long Point Government Reservation as a separate reservation, distinct from the national park. That is now occupied by lighthouses and Coast Guard stations. The town advances east following argument on behalf of its revised plans as herewith submitted.

The area allocated to the national park includes the entire seacoast dunes area and also the adjacent major dunes inland to a line where the character of the terrain is suitable for municipal use. This line has been carefully perambulated and studied by officials of the town and its planning consultant and has been agreed upon as a logical and reasonable line. And I might add when officials of the National Park Service were there we had gone over this particular area with them and discussed it with them, and those to whom I spoke interposed no major objection to this.

The total area there of the Province lands is about 3,500 acres. Under our proposal some 2,100 acres, or all the dunes area, would become part of the national park. About 1,380 acres, comprising scrub, wooded, ponded, and developable areas directly north and west of the present constructed and intensely built up areas of Provincetown, are what we propose to acquire and develop. We have heard statements made by planners and the like concerning enlarging or keeping the originally proposed park lines. Now, I am not a planner. I am a lawyer. I am also a town official and I am a Cape Coddler. I feel as

a matter of commonsense and from my experience in the area that if the national park takes the originally proposed large areas these towns, instead of maintaining their cultural, economic, and whatever the rest of the descriptive adjectives in the preamble of the bill amount to, and instead of preserving those as such—you would have not Cape Cod villages and towns; you would have cities constructed and built up within the area in which people are still permitted to build. We have been in this position for some time. That is why we have filed a bill with the State Legislature of Massachusetts, and we have studied for some time and over the past 5 years have been attempting, and I think we will meet with success, in having ceded from the Province lands of the Commonwealth this area marked by the yellow line. We need that to grow into.

Provincetown is the only town which during the last census on Cape Cod in a county which is one of the largest growing areas in the Nation, and the census bears this out, lost population. We want room to do as the other towns for our young people to be able to buy land to build and to live in the town of their birth.

That is what we ask you for, Mr. Chairman, and the members of this committee. We need this room. We desperately need it, and the Park Service has proposed to us what they want. We earnestly plead with you to listen to what we, who have to live with this, want, and we are good Americans and are interested in the common good of the United States.

Thank you.

Senator Moss. Thank you very much, Mr. Snow. We appreciate your appearance.

(The prepared statement of Mr. Snow follows:)

STATEMENT OF JOHN C. SNOW, CHAIRMAN OF SELECTMEN, PROVINCETOWN, MASS.

Mr. Chairman and honorable members of this committee, my name is John C. Snow, and I am the chairman of the Board of Selectmen of the Town of Provincetown, on the outermost tip of historic Cape Cod. I have been designated by my fellow members of the Provincetown Board of Selectmen to represent the views of the town government and, as closely as we are able to reflect them, the views of the citizens and taxpayers of the town of Provincetown. This is, at best, a most difficult task, but I shall do my best to bring to your attention the facts concerning the proposed legislation which I feel most pertinent to the town of Provincetown.

At the outset I should like to bring to your attention the official and unanimous vote of the Provincetown Board of Selectmen at a legal meeting on December 7, 1959. The following is from our official records:

"The national park bill was discussed in some detail and some consideration was given to expressions of opinions made at the hearing tonight and otherwise made to members of the board, and it was agreed that the board is unanimously in favor of the park in principle. The members of the board feel, however, and instructed Mr. Snow to inform the committee, that it is vital to the interest of our town that the present municipal uses in the area be continued as such and that ample provision be made for proper expansion into the park area for noncommercial purposes on an equal basis with the other towns involved."

This action was taken after a prolonged and exhaustive discussion of the ramifications of the proposed Cape Cod National Seashore Park to our town and its economy. It is only fair to state that before this vote was taken a hearing before the selectmen was held in the Provincetown townhall to which were invited all citizens and taxpayers of our town who cared to bring to the attention of the board of selectmen their views on the proposed park in order that their views might be brought to the attention of your committee.

The statement has been made by some that "Provincetown has nothing to lose no matter which way this goes." That is not true, Mr. Chairman. Province-

town was born from the sea as a sandbar arising from the depths of the Atlantic Ocean. Provincetown was reborn as the place where our Nation and Government were born at the time of the first landing of the Pilgrim Fathers on American soil on November 11, 1620, and as the place where the Mayflower compact of free government in the yet unborn New World was signed. Provincetown was a whaling port of great consequences and is today one of the leading fishing ports on the eastern seaboard. But, as are other areas of Cape Cod, the vacation-travel industry has become our principal mainstay; it is rapidly becoming our principal industry, if it is not already that. In order to attract the vacation-travel industry, we must provide them with something other than a landscape scarred by bulldozers, a shocking series of untastefully built motels of wretched architecture, a series of barrooms, nightclubs, penny arcades, hotdog stands, and other blotches on our scenery by exploiters who are with us long enough to secure the maximum return on the minimum investment to the communities on our cape through which they pass before they sell out at a tremendous profit to their successors equally prompted by the greed which will despoil our great land.

Provincetown has a total area of about 6,230 acres, making it much smaller to begin with than a standard township, which, I believe, contains over 23,000 acres. In a way, Provincetown has been most fortunate because of the existence of Province lands, which is an area in the nature of a State park consisting of 3,645 acres along the back shore or northerly westerly part of Provincetown on the Atlantic Ocean. The Federal Government now holds land in the Long Point area totaling approximately 230 acres, leaving 2,350 acres within our corporate boundaries. The Commonwealth took 310 acres of this for construction of the Mid-Cape Highway and is in the process of taking 1,165 acres for the Pilgrim Spring State Park, which will leave a balance of only about 880 acres. We have over 32 acres of cemeteries in Provincetown and an estimated 50 acres of streets and roads, leaving only 798 acres to live in. This latter figure includes considerable public land used for school, public buildings, parking lots, and monument or development.

Nearly all of the land proposed to be taken in Provincetown and the land in controversy is a part of the Province lands in the town of Provincetown, the history of which is unknown or unfamiliar to many native Cape Codders and has a tendency to explain the position of my town. Title thereto was acquired by the Province of Massachusetts Bay prior to the year 1679 by a grant from one Sampson, an Indian. On February 5, 1679, the Province received a confirmatory deed of said land from other Indians who claimed to own it. It is evident that that land along the seashore in the town of Provincetown was very early occupied by fishermen as squatters, many of whom erected buildings which they occupied as dwellings, as well as for business purposes. Claiming to own title thereto, they afterward conveyed the land by deed.

When Provincetown was incorporated by an act of the legislature of this State in the year 1727, it was provided that:

"All the lands on the said cape, being Province lands, be, and hereby are, constituted a township by the name of Provincetown; and that the inhabitants thereof be vested with the powers, privileges, and immunities that the inhabitants of any of the towns within this Province by law are or ought to be vested with: Saving always, the right and title of this Province to the said lands, which is to be in nowise prejudiced."

The land along the shore in Provincetown proper had been occupied by fishermen as squatters, who conveyed their real property by deed, although title could not have been acquired as against the Commonwealth.

Practically the entire town was in the same predicament, its citizens with their individual dwellings and business houses and the municipal corporation with public buildings, including its town hall and public school buildings. Keeping in mind the situation as then existed, it is apparent that the legislature intended by the acts of 1393, chapter 470, to allow those whose claim to said lands had accrued either by or through these squatters to perfect and actually acquire title to that portion of the Province lands lying east and south of a certain line as affixed in said act.

It may be seen, therefore, that nearly the entire area of the cape tip, exclusive of Truro and other cape towns is the Province lands. The town of Provincetown was incorporated in order to govern the settled area, but title remained in the Commonwealth. This situation was not altered until the above-mentioned act of 1893. This act gave the squatters in the settled area, within certain defined bounds, good marketable titles. It did not set up the area referred to as the

Province lands, as a separate entity, a sort of foreign country bordering on Provincetown and immune from its laws and police jurisdiction. One has only to refer back to the act incorporating the town. There can be no mistake as to the intention of the legislature.

In other acts of the legislature, the Province lands are referred to as in Provincetown (ch. 11, Acts of 1727; ch. 261, Acts of 1854, secs. 8, 12; ch. 154, General Statutes of 1860). There can be no reasonable questioning of the fact that the Province lands which are supervised by the Department of public works, as successor to the board of harbor and land commissioners, are as much a part of the town of Provincetown as that portion of the Province lands south and east of the line defined in chapter 470 of the Acts of 1893, section 1, the only difference being that a good title may be passed from person to person in that area not remaining under the direct supervision of the State.

Among the laws affected by chapter 470, Acts of 1893, was "so much of section 11 of chapter 196 of the public statutes and all other acts or parts of acts which refer to the Province lands at Provincetown * * * shall not hereafter apply to that portion of said province lands lying east and south of the line fixed in the first section of this act." Remedial statutes should be construed liberally and effect given, if possible, to the result sought to be reached (opinion of the justices, 7 Mass. 524). This was a remedial statute. The legislature was endeavoring to allow those in possession and control of the Province lands lying east and south of the line to acquire title to the same by such possession.

Chapter 144 of the acts of 1886 relates to the duties of the board of harbor and land commissioners, and said commissioners by this act have charge of all the lands belonging to Commonwealth, wherever situated. They are in a position, through their succeeding department, the Department of Public Works, of a custodian or caretaker, to supervise the upkeep and physical condition of these lands. The legislature has allocated neither the power nor the personnel to enforce the law of these lands. They have clearly shown their intent that, as a part of the town of Provincetown, the police department of the town of Provincetown has a right to enforce the laws of the Commonwealth on the beach and dunes, as well as the rest of the town, and the district court sitting in Provincetown has jurisdiction over crimes committed on the beach because the jurisdiction of said court granted by our legislature expressly included the town of Provincetown (Acts of 1890, ch. 177, and General Laws, ch. 218, sec. 1).

As a logical result of the historical background of the Province lands and the town of Provincetown, it has been clearly shown above that the town and the second district court of Barnstable County have territorial jurisdiction over the area in question. Our town would, of course, be in a far different position if this situation did not exist.

This review of the historical and legal relationship of Provincetown to the Province lands should tend to show that they are in the town of Provincetown, although they may not be occupied and developed in the absence of special legislation by the State. However, the State has been sympathetic with the problems of our town, the growth of which has been stunted by the absence of land into which to expand. The Provincetown Municipal Airport, our most important transportation facility at the present time, is within the Province lands. The town disposal area, or, as we Cape Codders call it, the town dump, or the "Provincetown exchange," is within the boundaries of the Province lands. There was no other suitable place to locate these important municipal facilities, and our approval of the bill in question would, quite naturally, have to be conditioned on their continued existence in their present or equally suitable locations.

Long before the national seashore proposal became eminent, Provincetown officials were negotiating with the appropriate officials of the Commonwealth of Massachusetts, through our elected representatives, to secure the return or conveyance of the area to accommodate the present population and take care of normal growth. If there should be a national park, the need would be even more urgent. People are coming to Provincetown, which is at the extreme eastern end of Route 6, and we cannot, in all fairness, be crowded further in order to accommodate them. We must expand and we must have some of the presently State-owned land and proposed federally owned land to expand into.

Because of the encroachments described above by the Commonwealth of Massachusetts for the so-called Pilgrim Spring State Park and for State highway purposes, together with the retention of State control of the area known as the Province lands, it is respectfully suggested and most urgently recommended that section 5B of the bill be amended in such manner that the town of Provincetown

will be given land within which to expand on an equal basis with the other towns involved. At this point, it might be appropriate to add that we already have, and have had for some time, a rigid zoning bylaw which has been rigidly enforced. This could probably best be accomplished by amending section 5(B) so that it will read as follows: "The Secretary shall, in conformity with the provisions of subsection (A) of this section upon request made to him not later than 5 years after the date of enactment of this act pursuant to any lawful vote of a town meeting of any town referred to in section 1 of this act, which vote has been ratified by the advisory committee, established by section 10 of this act, designate in such town an amount of unimproved property for such development, which together with any previous such designation, made by him for such town shall not exceed in acreage 10 per centum of the total amount of park area lying within the present boundaries of such town."

It is further proposed and recommended, Mr. Chairman, that section 8 have inserted and added thereto a subsection to be known as section 8(B) :

"There being no taxable property, and, therefore, no tax loss in the area included within the town of Provincetown, the preceding paragraphs of this section shall not apply to that town, but the unimproved property designated by the Secretary for development under section 5(B) of this act shall be sold, deeded, or otherwise be made available as private property for residential purposes and shall be subject to taxation by the town of Provincetown."

Now, if we may turn back to section 2(a) and in order to insure the continuation of present municipal uses within the Province lands which are referred to above, it is urged that this section be amended by an insertion in the second sentence thereof so that it will read :

"Any property or interest therein, owned, leased, or presently used for public purposes, by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this act, or by any of the other political subdivisions of said Commonwealth, may be acquired only within the concurrence of such owner, lessee, or town involved."

This would assure our protection in the continuation of present municipal uses.

Beginning at a point designated at Pt. 3 on the hereinafter plan, which point is at mean low water of the westerly shore line of the so-called Provincetown Beach, and is on a projection, westerly, of a line marking a southerly boundary of the said Province lands between Bnd. "G" and Bnd. "E" as shown on said plan and bears South seventy degrees and nineteen minutes West :

thence running on said bearing of North seventy degrees and nineteen minutes East until it intersects the easterly side line of the State Highway (Beach Road) ;

thence turning and running in a general Northeasterly direction along the southeasterly sideline of said State Highway (Beach Road) for a distance of about three thousand one hundred and fifty (3,150) feet to a point shown on said plan as Pt. 4 ;

thence turning and running on a line bearing North forty-four degrees and thirty minutes East for a distance of about four thousand seven hundred (4,700) feet to a point shown on said plan as Pt. 5 ; thence on a curve to the right having a radius of 5,640 feet for a distance of about five thousand five hundred and fifteen (5,515) feet to a point shown on said plan as Pt. 6, which point is at the intersection of said curve and the easterly boundary line of the said Province lands ;

thence turning and running on a bearing of South twenty-five degrees and fifty-nine minutes East along the said boundary line of the Province Lands for a distance of about two thousand nine hundred and fifty (2,950) feet to the Province Lands, bound "K" as shown on said plan ; thence turning and running on a line due West, said line being a southerly boundary of the said Province Lands, bound "I" ;

thence turning and running on a line due south, which line is a Province Lands boundary, for a distance of about two thousand twenty-four and seven tenths (2,024.7) feet to a Province Lands, bound "G" ;

thence running on a line in a general westerly direction, parallel and concentric with said State Highway base-line and two hundred fifty (250) feet therefrom, for a distance of about fifty-five hundred (5,500) feet to a point shown on said plan as Bd. "D" ;

thence turning and running on a line bearing South thirty-four degrees and thirty seven minutes East, which line is a Province Lands boundary

Line, for a distance of about seven thousand one hundred and ninety-five (7,195) feet to a Province Lands, Bound "A", as shown on said plan, at the stone breakwater; thence Southerly along the westerly side of said breakwater about two thousand (2,000) feet to a point shown on said plan as Pt. 12;

As one may assume from the above, Mr. Chairman, the present bill does not have complete acceptance in Provincetown, although we favor the national seashore proposals in principle.

There is now pending before the General Court, or Legislature, of the Commonwealth of Massachusetts, a bill containing emergency provisions to cede from the State and convey to Provincetown an area of the Province lands contiguous to the town of approximately 1,476 acres of land suitable for development. This bill, which has administration support at the State house and has an excellent opportunity of passage and enactment, was made vitally urgent by the problems thrust upon us by the impending national park. With this land, as defined on the attached plan, we will be able to provide facilities to house and otherwise accommodate the vacationing public attracted by the magnetism of a park. This land, of which we have desperate need, is bounded and described as follows:

thence about due west about three thousand one hundred and fifty (3,150) feet to a point at the said mean low water, said point shown on said plan as Bd. "B";

thence in a general Northwesterly direction along the line of the said mean low water mark about nine thousand one hundred and fifty (9,150) feet to a Pt. 3 at the point of beginning.

Containing about 1,476 acres, more or less.

The above-described premises are shown as Parcel 1 on a plan entitled "Plan of Land Showing Proposed Revision of Boundaries Between Town of Provincetown, Commonwealth of Massachusetts, and Proposed Cape Cod National Seashore Park, Scale 1"=1,660'; dated June 15, 1960," drawn by Commonwealth Corporation, Architects and Engineers, George C. Woods, Director of Engineering, Boston, Mass.

It should also be noted that according to the latest Bureau of Census figures, although Barnstable County, in which Provincetown lies, is one of the most rapidly growing areas in the United States, Provincetown is the only town in the county which lost population in the last 10 years. There is only one reason for this—the lack of land into which our town may grow and our citizens may build. Instead they move into neighboring towns where they may build, live, and raise their families, although they remain employed in Provincetown. That is why we most respectfully urge and implore the Congress to omit from the proposed taking the 1,476 acres we are assured we may get from the State of the Province lands area, as well as an area of approximately 95 acres of the presently privately owned area in the town, adjacent to the Truro-Provincetown town lines. These areas are of questionable value to a national seashore park, but of vital importance to our survival as a town.

And, Mr. Chairman, let me add further that the officials and the people of the town of Provincetown are quite naturally in as closely a knit community as Cape Cod, extremely concerned and sympathetic toward the aspirations of our neighboring towns. These other towns are very closely interwoven with us in our mutual history, traditions, economic status, aspirations for the future and concern for the territorial and financial integrity of each other. We know from the arguments already presented and to be presented in the course of these hearings that there is great concern over the economic impact this legislation will have on the cape communities. Obviously, the public good supersedes any private interest, but whenever a colossus such as the Federal Government steps in, I have the confidence in the integrity of our Government that due regard will be given to those who may incidentally suffer thereby. I sincerely hope that detached reflection and the most prudent deliberation will be given to all arguments presented here, both for and against the park proposal, and that, having fully considered the enumerable ramifications of this legislation, not only to the town of Provincetown, but to all of the towns involved, your committee will present a recommendation based on what it feels, from the point of view of good Americans, to be in the public interest and to provide for the protection of those who may appear to be in the minority.

Thank you, Mr. Chairman.

Senator Moss. Mr. Worthington of Truro.

**STATEMENT OF JOHN WORTHINGTON, ACCOMPANIED BY IRVING
A. HORTON, BOARD OF SELECTMEN, TRURO, MASS.**

Mr. WORTHINGTON. I am John Worthington, one of the selectmen of Truro and Mr. Horton, another selectman, is with me today. I testified at your hearing in December and I still feel exactly as I did at that time. However, today I am here to present a revised boundary as specified by a town committee that was appointed in a town meeting consisting of the selectment and the planning board, to present a revision taking out the build-up areas of Truro, Highland, the Long-nook area, and Pamet River, and part of the area of Ryder Beach.

This committee felt that the 10-percent provision was being taken out of the proposal and that it was necessary for the town to have that 10 percent at this time by excluding the areas that are most heavily built up. The buildings in those areas represent about 26 percent of the assessed valuation of the town. Also they wish to be on record as favoring the in lieu tax provision of the bill and wish to strengthen the Commission from the point of view of the local representation by having the Chairman of the Commission elected by the Commission itself rather than being appointed by the Secretary, and that any permits issued in the park area would require the approval of this Commission as well. Thank you.

Senator Moss. Thank you, Mr. Worthington. Do you have a fuller statement that you would like to have put in the record in toto?

Mr. WORTHINGTON. Since the hearing the town has adopted a set of zoning bylaws and this is a description which shows the changes from the original boundary as laid out by the folks to what this committee has proposed.

Senator Moss. Fine. That description will be placed in the transcript of the hearings and the bylaws will be in the committee files for our study when we discuss this bill.

Thank you.

(The description referred to follows:)

**REVISED DESCRIPTION FOR THE PROPOSED NATIONAL SEASHORE PARK IN
THE TOWN OF TRURO**

Consisting of all the land contained in Senate bill S. 2636 with the following exceptions:

Area 1. Highland area.—Bounded and described as follows:

Commencing at a point on the easterly side line of U.S. Route 6 and three hundred (300) feet northerly from Highland Road, thence easterly paralleling the general alignment of Highland Road, and three hundred (300) feet distant therefrom to a point three hundred (300) feet westerly of Coast Guard Road:

Thence northerly, northeasterly and easterly, paralleling the general alignment of Coast Guard Road and three hundred (300) feet distant therefrom to a point on the top of the ocean bank;

Thence southerly along the top of the ocean bank; to a point thereon which is opposite the general southerly alignment of highland road extended and three hundred (300) feet distant therefrom:

Thence westerly along a line parallel with the general alignment of Highland Road to a point three hundred (300) feet westerly of the westerly side of South Highland Road;

Thence northerly and westerly paralleling the general alignment of South Highland Road and Highland Road, three hundred (300) feet distant therefrom to a point on the easterly side line of U.S. Route 6;

Thence northerly along the easterly side line of U.S. Route 6 to the point of beginning.

Area II. Longnook area.—Commencing at a point two-tenths ($2/10$) of a mile from the easterly side line of U.S. Route 6 in the vicinity of Longnook Road, and three hundred feet northerly from the northerly side line of said Longnook Road and running thence easterly paralleling the general northerly alignment of Longnook Road and three hundred (300) feet distant therefrom to a point on the top of the ocean bank;

Thence southerly along the top of the ocean bank to a point which is three hundred (300) feet south of the southerly line of Longnook Road;

Thence westerly parallel with the general alignment of the southerly side of Longnook Road, and three hundred (300) feet distant therefrom, about four thousand (4000) feet to a point;

Thence southerly, crossing Higgins Hollow Road to a point within three hundred (300) feet of the southerly line of Higgins Hollow Road;

Thence in a general westerly direction parallel with the general southerly alignments of Higgins Hollow Road, and three hundred (300) feet distant therefrom to a point within two-tenths ($2/10$) of a mile from the easterly side of U.S. Route 6;

Thence northerly along the easterly side line of said U.S. Route 6 to the point of beginning.

Area III. Pamet area.—Commencing at a point two-tenths ($2/10$) of a mile from the easterly side line of U.S. Route 6 in the vicinity of North Pamet Road and three hundred (300) feet northerly from the northerly side line of said North Pamet Road and running;

Thence in a general easterly direction parallel with the general alignment of North Pamet Road and three hundred (300) feet distant therefrom, to a point on the top of the ocean bank;

Thence southerly along the top of the ocean bank to a point three hundred (300) feet south of Pamet Town Landing;

Thence westerly to a point within three hundred (300) feet of the easterly side of South Pamet Road;

Thence in a southerly and westerly direction parallel with the general alignment of South Pamet Road and three hundred (300) feet distant therefrom, to a point two-tenths ($2/10$) of a mile from the easterly side of U.S. Route 6;

Thence northerly following the alignment of the easterly side of said U.S. Route 6 and two-tenths ($2/10$) of a mile therefrom to the point of beginning.

Area IV. Ryder Beach area.—Beginning at a point at the intersection of Old County Road and Fisher Road, on the westerly side of said Old County Road and the northerly side of Fisher Road and running thence westerly along the northerly side of said Fisher Road to the intersection thereof with the side line of the N.Y., N.H. & H. Railroad Co Right of Way (etc. to Cape Cod Bay see original proposal)

Thence southerly (as per original description) to a point opposite the southerly extremity of the Town Landing and Beach in the Ryder Beach area;

Thence easterly to a point three hundred (300) feet east of Old County Road, which point is also six hundred (600) feet south of Prince Valley Road;

Thence running in a general northerly direction following the general alignment of said Old County Road and three hundred feet distant therefrom to a point opposite Ryder Beach Road;

Thence due west to the westerly side of said Old County Road and at the northerly intersection of said Ryder Beach Road;

Thence in a general northerly direction following the westerly side of said Old County Road to the point of beginning.

Senator Moss. Mr. Charles E. Frazier, Jr., of Wellfleet. Mr. Frazier.

STATEMENT OF CHARLES E. FRAZIER, JR., CHAIRMAN, BOARD OF SELECTMEN, CHATHAM, MASS.

Mr. FRAZIER. Mr. Chairman and members of the committee, my name is Charles E. Frazier, Jr. I am chairman of the Board of Selectmen of Wellfleet, a position I have enjoyed for over a period of 20 years. I testified, as you might recall, Senator, rather extensively at the hearings in Eastham. I believe I was one person that you in-

cated might cut his testimony a little short. I may tend to be verbose with respect to this particular problem because I have lived in this area and my mother's people helped settle the town of Wellfleet some 300 years ago.

I moved from the position of assistant corporation counsel in the city of Boston in 1938 to Wellfleet because I believe in the area. I have been a public official there since that time. I feel very strongly with respect to this problem and I think that those who live there in the community who are vitally concerned with the impact of this proposition are entitled to be a little more forceful with respect to the problems than some of those who have testified here today who are not basically concerned with the loss of property.

We have heard testimony from Mrs. DeWitt from Provincetown. She submitted a petition signed by some 250 or more persons heartily endorsing the park in the form as proposed. I respectfully call to your attention that the great majority of those persons are not affected by this part taking to the extent that they will lose land or anything else.

I feel very sympathetic with Mr. Levy, who speaks for the area west of the Mississippi and the 25 acquaintances that he might have around Cincinnati who have been coming to this area and enjoying it and now wants to see the area basically turned over to a great national seashore.

I listened to Mr. Thompson and was rather amazed at one of his statements to the effect that in drawing up this particular plan the Park Service people felt that they are allowing ample room for growth of the towns existing in the area.

In December in 1959 I filed a rather extensive brief indicating that in the town of Wellfleet the total land acreage was 12,712 acres. I indicated that the Park Service proposed to take 8,010 acres. I indicated that the balance left to the town would be 4,700 acres.

I indicated that of that balance approximately one-half was marshland, which left a balance of approximately 2,300 acres. I indicated that of 2,300 acres, 400 acres were taken in 1950 by the Audubon Society and taken out of community use. We, therefore, have roughly around 1,900 acres that they say will allow ample room for growth of our particular town. In that 1,900 acres there are existing at the present time approximately 2,600 homes or cottages.

If that is the fair estimate of the National Park Service as ample opportunity for growth, I think that we are entitled to a revision of their thinking with respect to that. I would ask the Park Service to look no further than the economic survey that was prepared for them to show the impact of the establishment of this park on this area.

According to their own survey within a period of 4 years we will have in that area an additional 2,500,000 visitor days and in a period of 10 years we will have an addition of 10 million visitor days. They also say that with respect to the peak there will be no concession, there will be no accommodations, that this area will be preserved as a natural wilderness, that the accommodations will be provided by the area outside of the park.

At the present time, the maximum number of visitor days for that area according to statistics of the Cape Cod Chamber of Commerce is approximately 500,000 visitor days. If in a period of 4 years we

are going to multiply that five times, and at the present time we have difficulty in accommodating the people that are coming there, how can it reasonably be anticipated that we are going to accommodate in 10 years 10 million more people?

I say in attempting to preserve this park area that they will destroy the rest of the area outside of the park, and certainly that is not consistent with conservation or preservation. I was interested to hear the statement of Mr. Foster. He is employed by the State. I am also employed by the Commonwealth of Massachusetts as an assistant attorney general.

While in Washington during this visit I have prepared the order of taking for a State beach at Popponesset, which is at Falmouth, in accordance with the provisions of the legislation. That beach would cost the Commonwealth \$375,000. It would give the people of the Commonwealth a mile and a half of beach frontage at the Mashpee-Falmouth line.

Two weeks ago on behalf of the Commonwealth I prepared an order of taking for a State beach at Fort Phoenix of Fort Phoenix properties, which is in Fairhaven, which is close to the cape area. The order of taking was recorded on June 6. Last week the Commonwealth of Massachusetts dedicated Horseneck Beach as a State beach in the Commonwealth of Massachusetts. We have a State beach at Nauset, which is on Cape Cod near the canal, which was opened in June of this year for the accommodation of the traveling public.

We have an extensive State beach at Salisbury. As I told the committee this morning with respect to my own particular town, in a period of 10 years we have acquired for public use approximately 5 to 6 miles of beach frontage dedicated to the public and available to the public without cost. I believe that these towns within the last few years are working out their problem of providing recreational facilities in the area.

It is very amusing to me to hear a woman like Mrs. DeWitt criticize construction on Griffin Island and Wellfleet when she spoke of several houses that were built there within the last year. I wonder if she realized the restrictions on that particular island, which run until 2060, prevent the construction of anything except a single family dwelling and the lots that she referred to, in one case of 5 acres, and the other lot is 10 acres.

They are covered by two pages of restrictions that are far in excess of any zoning requirements that could reasonably be passed in any city or town. I feel that that type of development in local hands is excellent for the area. The same condition exists with regard to Boundbrook Island where Judge Biddle had his property.

Judge Biddle owns approximately 30 acres. There are only 4 or 5 other owners on the island, all owning anywhere from 10 to 60 acres or up. It is very exclusive. You can't buy a foot of land over there. It certainly is not being despoiled. Is that what they classify as "honky-tonk"?

I call attention to Great Island, which is the spit extending out into Massachusetts Bay, an area of approximately 1,000 acres, two houses on the property. It is offered for sale, but only on the condition that it cannot be subdivided so that there would be more than five properties on there. Is that what they call "honky-tonk"? I call that very exclusive development.

I call your attention to the area around Gull Pond where for years the land was subdivided to the restriction that not more than one house would be placed thereon and all utilities underground. The people even refused to have the privileges of town roads. They are maintaining the area in the same condition as it has been for over a period of years.

As a matter of fact, Professor Chermayeff, who likes to feel that he lives in Wellfleet, but lives in Truro, in that very section is one of the petitioners who have constantly requested the town not to put a town road in the area. I fail to see where the towns have not tried honestly to preserve these areas. I feel that if there is to be a park, and most of us agree with public ownership of the beaches and the ponds, and certain reasonable areas that it should be the result of a reasonable compromise between reasonable persons and the officials of all these towns concerned, since the very inception of the idea of a park in this area have been willing to sit down and discuss the matter with the national park people or anyone else, and since the hearings in December, notwithstanding the extensive briefs that were filed, we have not received a word of information, advice, or willingness to discuss the problem, although we have requested it on numerous occasions.

It was only on last Friday that I received a copy of the amended Saltonstall-Kennedy bill. I have never, nor has my town, been personally contacted or informed of any meetings with respect to this problem, and the only source of information that we have is through the newspapers. I believe, Mr. Chairman, that this area is entitled to some reasonable consideration.

We believe that the Nation has a stake in the beaches, but I believe that the stake that we have in our own particular heritage is entitled to some recognition, at least to the extent of being able to discuss it with those in authority. With respect to the bill, if the 10 percent clause is omitted, it is my belief that the reason and justification for allowing the Secretary of the Interior to pass on zoning is eliminated. However, if in the opinion of the legal authorities it is still a pertinent issue, then I feel that the Secretary of the Interior should inform your committee and the towns concerned what he thinks are the minimum reasonable zoning regulations that will be required to be placed on this property.

With respect to the advisory committee, a 10-man board, one from each of the six towns, two to be appointed by the Governor of Massachusetts, one to be appointed by the Secretary, I believe that the chairman of that board should be elected by the majority of the persons who would make up that Commission and not be a straw for the Secretary of the Interior.

I believe that they should have a voice in the development of the area, and that in addition to getting advice from this Commission the Secretary should be required in the case of the development of the area for industrial, commercial, and a broad recreational purpose to get the approval of the Commission who would be most familiar with the area.

I believe that these things are essential, Mr. Chairman, and I believe that in speaking for the people of my community they feel that they should be able to discuss this matter with the proponents of the park and try and arrive at a reasonable conclusion.

Thank you.

(The statement referred to follows:)

PREPARED STATEMENT BY CHARLES E. FRAZIER, JR., CHAIRMAN, WELFLEET BOARD OF SELECTION

Mr. Chairman, my name is Charles E. Frazier, Jr., chairman of the Board of Selectmen of the Town of Wellfleet, a position I have held, excepting during the war years, for the past 20 years, during which time I have also held the positions of a member of the boards of assessors and of public welfare.

During this period of time our population has increased 100 percent from a little over 800 to over 1,600; our tax valuation increased from about \$2 million to over \$6 million; number of persons assessed from 1,106 to 1,746; number of dwellings and cottages from about 700 to 2,951; our assets from \$43,500 to over \$250,000; and our funded or fixed debt reduced from \$57,500 to no debt. At the same time our tax rate per thousand remained basically the same, being \$35.50 in 1939 and \$37 in 1959.

During the same period of time we have built a new school, a new town hall, a new fire station, a new highway department building, a communications control center, a new bathhouse, a new scenic drive along our inner harbor and on Cape Cod Bay, and a scenic highway parallel to the Atlantic Ocean.

We have participated in the cost of dredging our harbor channel, building docks and a marina that is recognized as one of the outstanding marine facilities in the Commonwealth of Massachusetts, at a cost of about \$3 million.

We have acquired town landings at the terminus of every access road leading to the ocean, bay, or pond, and are one of the few if not only municipality in Massachusetts with public landings at each of our great ponds. We own nearly one-half mile of beach frontage on Cape Cod Bay, consisting of 20 acres; over a mile of beach frontage on Wellfleet Harbor of about 50 acres; nearly a mile of beach frontage on the Atlantic Ocean, with at least 3-acre landings at the terminus of the three access roads leading to the Atlantic Ocean.

Over this period of time we have exercised a planned program to increase our recreational facilities for the protection of our land and to provide adequate facilities for our further growth as a resort area. In 1950 the town established a planning board, which has since exercised a stringent control over subdivisions. In 1957 a limited zoning bylaw was adopted requiring a minimum lot size of 10,000 square feet, and 100-foot frontage on all property except that abutting on the State highway, and a 40,000-square-foot minimum size lot on the State highway. In addition to the minimum sized lots, there is also a further requirement of a 25-foot setback on all four sides of each lot, and a 60-foot setback on the State highway.

According to statistics of the Massachusetts Department of Commerce, Division of Research, revised to July 1959, Wellfleet is a town with a land area of 20.47 square miles or an area of 12,710 acres. Of this amount the proposed Cape Cod National Seashore will take about 7,620 acres. This latter figure of taking excludes 390 acres of ponds so that the total taking would amount to 8,010 acres, leaving a balance of 4,700 acres. Of this amount, approximately one-half is marsh and swampland unsuitable for development or building, and would leave not more than 2,350 acres. This acreage is further reduced by the elimination of about 400 acres purchased in 1958 for the Massachusetts Audubon Society as a bird sanctuary, and therefore tax exempt. The town would have left less than 2,000 acres of land suitable for construction, and this area is already substantially developed and occupied by over 2,600 dwellings and cottages, in addition to commercial buildings and town-owned buildings.

At the present time there are 355 dwellings and cottages in the area proposed for the park. Of this number 237 are dwellings or cottages constructed within the past 10 years. The present fair market value of these new constructions total \$2,800,000 exclusive of the land value thereof.

Since January 1, 1959, there have been 44 dwellings constructed in the town and of this number, 33 are in the proposed park area and have a reproduction value of \$350,000 exclusive of the land value.

A study of all construction in the town indicates that during the past 10 years at least 75 percent of all new building has taken place within the area proposed for the park. This means that at least 75 percent of all new tax valuation is derived from the proposed park area. It is basically the new tax valuation from the proposed park area which has permitted the town to maintain a low and stable tax rate.

If the proposed park is authorized according to its present boundaries, it will mean an actual loss of assessed valuation, as follows:

Dwellings-----	\$1, 081, 000
Land-----	685, 200
Personal property-----	108, 100
Total-----	1, 874, 300

This figure represents 36 percent of total tax valuation of the town.

Based on competent real estate agents and brokers in the area, predicated their opinions on actual sales in the locality, the minimum fair market value of the property taken would be as follows:

Dwellings-----	\$4, 313, 000
Land-----	6, 852, 000
Total-----	11, 165, 000

These figures are less than the figures secured by the National Park Service in computing value of property in Wellfleet wherein a figure of \$15,000 per dwelling was used so that 355 dwellings at \$15,000 each would total \$5,325,000.

The economy of Wellfleet is based on the construction business, and the summer trade resulting from the use of such construction. According to the Division of Employment Security of the Commonwealth of Massachusetts, information revised to July 1959, over 75 percent of all employment in Wellfleet is engaged in the construction business and wholesale and retail trade, and an additional 15 percent is engaged in real estate and insurance business.

It is fair to assume that if the land area on which such construction is being carried on, at least to an extent of 75 percent, is taken for park purposes, and there is little or no desirable land left for development and construction, that the real estate and construction business will terminate to a great degree and the basic economy of the town will be destroyed.

It should not be inferred that such construction has been of a character that has defaced or injured the natural topography of Wellfleet, or that the construction has been of a commercial nature. The town is basically a "family town" and practically all recent construction has been of homes built for possible year-round use with the ultimate objective, in most cases, of retirement homes. There has been no subdivision of any substantial acreage in recent years where lots have been of less than 1 acre of land area, and in these cases as well as for the larger subdivisions each lot is limited to single family dwellings. In an area known as Indian Neck, 165 acres were subdivided into lots ranging from 1 acre to 6 acres; on Griffin's Island, 350 acres have been subdivided into lots ranging from 3 to 10 acres. In each of these instances and similar subdivisions, the lot size and the land use have been controlled by covenants running with the land for as long as 100 years.

There is little or no justification in the field investigation report on a proposed national seashore, prepared by the National Park Service in 1958, to take any land on the westerly side of the State highway, Route 6, for the purposes of a national seashore park. The classification of the land in Wellfleet west of the State highway, as the Bay Side region treated on page 6 of the field report, without indicating any reasons for including it in the park area of the town, amounts to a mere land grab unnecessary to a national seashore.

This area involves a taking of the entire frontage on Cape Cod Bay of about $5\frac{1}{2}$ miles, and the taking of another $5\frac{1}{2}$ miles of shore frontage on Wellfleet Harbor. When added to the taking along the Atlantic Ocean of the entire beach frontage of another $6\frac{1}{2}$ miles, it means that $17\frac{1}{2}$ miles of Wellfleet shore frontage is being taken for park purposes.

There can be no argument with respect to the lands on the westerly side of the highway, Route 6, being despoiled when we examine the facts. This area is composed of three distinct sections called islands, but now connected. The first is a group known as Jeremy's Point, Little Beach Hill, and Great Beach Hill, consisting of about 1,000 acres of land, upland and marsh. It is in single ownership and has built on it, two seasonal homes. It is highly restricted, and the owners will sell only for a development of between five and six homes.

The second is known as Griffin's Island, consisting of about 650 acres of upland. There are presently 10 homes thereon, located on lots from 5 to 10 acres each with restrictions of 1 home to each lot, and permitting no subdivisions.

The balance of the island not built on is owned by two owners, and all the land is rigidly restricted. The smallest lot must exceed 2 acres, permits only one dwelling to each lot, and safeguards the land in many ways. The covenants and restrictions on this island, which run with the land, continue until 2060. The last land is known as Bound Brook Island, and consists of about 700 acres. There are about 10 landowners on the island and there is no desire for development. There are about seven houses thereon, all having acreages of from 5 to 50 acres. All the property owners are more than willing to restrict their lands by covenants running with the land to guarantee its future use.

As part of this talk, I have made use of a map of the town showing the proposed boundaries of the suggested park. I have attached a copy of this map hereto and make it a part of this statement by reference and incorporation.¹ The area within the lines marked in red indicate the proposed park boundaries. I have marked on the same plan in blue the maximum area, which after study, the board of selectmen of the town believe can be dedicated as a park without causing the economic destruction of the municipality.

1. The area westerly of the State highway is excluded under this plan for the reason indicated previously.

2. The area extending southerly from the Wellfleet-Truro line to Gull Pond Road, and extending from Gull Pond Road along Kinnicum Pond Road to the ocean should be excluded, except for the beach area and land adjoining the beach to a depth of about 750 feet.

3. The area between Long Pond Road and Cahoon's Hollow Road should be excluded as shown on the plan.

4. The area along Ocean View Drive and adjacent to LaCount's Hollow Road should either be excluded, or provision made for existing property owners to retain title, free from condemnation or eminent domain proceedings, and subject to a provision of no further development without license or permission of the Secretary of the Interior.

A proposal such as this would permit the town to continue to exist economically on a sound tax basis. The areas excluded from the proposed park are presently well protected by covenants running with the land in most cases, and could be further protected by adequate zoning acceptable to the Secretary of the Interior. The town has adequate ownership of public landings at each of the great ponds excluded from the park area of taking. These are open to all the public and give access to the ponds which are already in public ownership of the Commonwealth of Massachusetts.

The town ownership of substantial areas on Cape Cod Bay and Wellfleet Harbor, all accessible by town-owned roads, and all open to the public free of charge, provide adequate facilities for warm-water bathing to visitors to the town.

The establishment of a national seashore park in an area with such a limited amount of land, where the width from ocean to bay is less than a mile in many sections, should be accomplished with great care. This area is certainly not a vast wilderness, but a substantially developed area with a way of life that has existed for over 300 years. If a park must be established, and most of us agree that some portions of this unique area should be preserved for posterity, it should be done so as to cause the least injury possible to this locality.

Such a park as proposed, because it is fundamentally a seashore, will attract only during 10 weeks of the year. In our climate this is the full extent of the beach season, and calling our locality a national seashore park will not cause the sun to shine any hotter or longer or the water to be suitable for bathing for a longer period than our present season.

If your committee can recommend a coexistence of the proposed park and the town of Wellfleet by excluding the areas here suggested, many of us feel that Senate bill 2636, or some similar bill, may be for the best interest of the country as a whole, and we reluctantly share our way of life and a reasonable part of our heritage and Cape Cod which so many of us have fought so long to preserve.

We believe that section 4(a) which refers only to owners of improved property for noncommercial residential purposes, in existence at the time of the establishment of the boundaries of the park, as provided by section 3, should be modified by the elimination of subsection (b) (2) requiring a valid zoning bylaw as a condition of suspension of the authority of condemnation by the Secretary of the Interior. It is not constitutionally possible to impose valid

¹ Filed with the committee.

zoning bylaws on such property so as to affect either land area or use, and other provisions of the bill adequately provide against further development in the park area. Existing residential property should be allowed to continue in the park free from the threat of condemnation.

The provision of section 4(d) which establishes September 1, 1959, as the deadline for construction in any area which may be designated as a park, and imposes the threat of condemnation on anything built after that date, stagnates the construction industry and has already caused the cancellation of building in an area which may never in fact become a park. Any date which imposes a different condition on one parcel of land over another should certainly not be effective before the bill is in fact passed by the Congress.

Section 5(a) of bill 2636 which provides for possible additional construction within the park area should not leave the entire judgment and discretion of the adverse effect of such building to the Secretary of the Interior; this is a decision which may well be more fairly handled by the Advisory Commission named in the bill.

Section 5(b) of the bill provides a 10-percent limitation of the total amount of privately owned property taken for park purposes in any one town as a possible expansion area for residential development.

The percentage ratio should be changed as to each town, and bear a fair relationship to type of land taken and the type of land left to a town outside of the park area of taking. The choice of such land should not require any approval except by a lawful vote of a town meeting and possibly the Advisory Commission.

Section 8(b) of the bill provides that no payment in lieu of taxes shall be made unless the Secretary has acquired a fee simple absolute, which would seem to eliminate taxpayments on realty where an owner had reserved a life estate or estate for a term of years.

Under section 8(a) there is considerable legal doubt as to the right to assess an owner in possession either of a life estate or of a term of years. Even if such assessment was authorized, the full and fair cash value of the assessment would be reduced by the annual rental value determined at the time of acquisition by the Secretary in accordance with recent Massachusetts Supreme Court cases.

In the event that the owner in possession of either a life estate or an estate for years refused to pay the tax assessment, the Massachusetts remedy of tax foreclosure for nonpayment could not be exercised.

I mention these parts of the bill only in passing, as their importance diminishes if your committee sees fit to consider modification of the proposed boundaries. I feel confident that an impartial consideration of all the facts will result in a boundary modification.

The foregoing portion of this statement is not to be construed as a personal endorsement of a Cape Cod National Seashore Park, or as the official position of the Board of Selectmen of the Town of Wellfleet, acting for and in behalf of the inhabitants. It is intended to represent the maximum possible area which the town could lose to a national park and still continue as a self-sustaining municipal corporation.

It is the board's opinion that the outer arm of Cape Cod contains too little land area in its entirety to permit a national park, according to standards generally acceptable up to this time. There is no precedent for taking the homes of so many people in such a restricted area and the practical elimination of at least two towns by depriving them of their economic base.

Admitting that portions of the outer cape should be preserved for posterity, and that some of the area is unique in character, it is generally felt in this community that this purpose could be accomplished and the lower communities can continue to exist according to their established way of life.

The land owned by the Commonwealth of Massachusetts known as the Province Lands, consisting of about 4,500 acres, and the land known as the Pilgrim Spring of about 1,200 acres, and the land between these two parcels containing 1,800 acres, making a total of 7,500 contiguous acres, all of which are undeveloped and suitable only for park purposes, could be the basis of a park. There are other undeveloped sections along the Atlantic Ocean which could be added to this total, and the entire beach front along the Atlantic Ocean to a depth of not more than 500 feet would provide all that is necessary within such a limited land area such as exists on the lower cape. To this could be added such other lands as property owners in the area would be willing to convey to the National Park

Service, subject to such conditions as might be agreed upon by the interested parties.

This type of program could be accomplished at very little cost, would include most of the areas that are classified as "unique" and demand preservation for posterity, and would preserve the entire seashore along the Atlantic Ocean.

The adjoining lands could be readily zoned at this time even before the passage of such legislation to assure protection of the land adjacent to the proposed national seashore park.

BYLAWS ADOPTED AT THE ANNUAL TOWN MEETING HELD ON FEBRUARY 8, 1960

Article 26

SECTION 1. No building shall be erected or altered so as to be used for the conduct of any business within 200 feet of either side line of the State highway, Route 6, from the Eastham-Wellfleet town line to the Truro-Wellfleet town line, until the owner thereof shall first secure a permit therefor from the planning board of the town of Wellfleet, or its duly authorized agent.

SEC. 2. The planning board shall issue no permit as required under section 1, for any lot or parcel of land having a frontage of less than 200 feet on the State highway, Route 6, and a depth from the sidelines of said highway of less than 200 feet.

SEC. 3. No permit as required by section 1 hereof shall be issued which allows construction closer than 60 feet of the side line of the State highway, Route 6, or closer than 25 feet of the rear lot line and the side lines of said lot or parcel.

SEC. 4. The requirements of the three sections above shall not apply to individual parcels of land now in single ownership, by deeds of record which do not meet these requirements, except that the planning board reserves the right to determine the location of buildings on such parcels.

SEC. 5. This bylaw shall be enforced by the board of selectmen. Any person violating any of the provisions of this bylaw may be fined not more than \$20 for each offense. Each day that such a violation continues shall constitute a separate offense.

SEC. 6. There shall be a board of appeals of three members appointed by the board of selectmen, which shall have all the powers provided by chapter 40-A of the general laws, as amended, and all the duties as provided thereby.

Article 28

SECTION 1. The licensing authority of the town of Wellfleet shall issue no license or permit for a used car lot on the State highway, Route 6, or for any trailer coach park, tent site, overnight camp, junkyard, above-ground combustible storage tank for commercial use, or commercial amusement park.

SEC. 1-A. "Overnight camp" is defined as a group of buildings for human habitation being less than 18 by 20 feet or with an area of less than 360 square feet, and where the distance between such buildings is less than 20 feet.

SEC. 1-B. "Combustible storage tank for commercial use" is defined as meaning the resale of the commodity contained in said tank.

SEC. 2. This regulation shall not apply to licenses or permits in force and effect at the time of the adoption and approval of this regulation.

SEC. 3. This bylaw shall be enforced by the board of selectmen. Any person violating any of the provisions of this bylaw may be fined not more than \$20 for each offense. Each day that such a violation continues shall constitute a separate offense.

SEC. 4. There shall be a board of appeals of three members appointed by the board of selectmen, which shall have all the powers and duties provided by chapter 40, section 30, of the general laws, and amendments thereto.

BYLAW ADOPTED AT THE ANNUAL TOWN MEETING HELD ON FEBRUARY 1, 1957

1. No building shall be erected or altered or added to, without a permit therefor, issued by the planning board or its duly authorized agent. The planning board shall not refuse a permit provided the conditions of paragraphs 2 and 3 hereinafter stated have been complied with.

2. No building, except one-story buildings of accessory use, shall be erected on a lot with a frontage on an accepted or approved way of less than 100 feet, nor with an area of less than 10,000 feet; except that these requirements shall not apply to individual parcels of land now in single ownership by deeds of record in Barnstable County Registry of Deeds which do not meet these require-

ments; and except that these requirements shall not apply against owners of lots or groups of lots in any subdivision, the plan of which is now recorded in the Barnstable County Registry of Deeds, and in such latter case, no building may be erected on less than two lots, the total square footage of which shall not be less than 5,000 square feet.

3. No building, including building for accessory use, shall be erected within 25 feet of any side line, including front and rear lot lines of any lot.

4. There shall be a board of appeals of three members appointed by the board of selectmen, which shall have the same powers and duties as provided by chapter 40, section 30, of the General Laws as amended.

Senator Moss. Thank you, Mr. Frazier. You may be sure that we will give very careful attention to your testimony.

Mr. FRAZIER. I filed a statement. I have a revised map that we hope might be included.

Senator Moss. Fine. It will be available for use by the committee.

We are going to be called away from here very shortly, but I would like to give a chance to speak briefly those who have come here to testify.

Is Everett Small of Chatham here?

STATEMENT OF EVERETT SMALL, CHAIRMAN, BOARD OF SELECTMEN, CHATHAM, MASS.

Mr. SMALL. Yes.

Senator Moss. Mr. Small, would you like to come forward and speak briefly to us?

Mr. SMALL. I have filed my brief and I hope it will be considered.

Senator Moss. Your brief will be accepted and be made part of the record.

Thank you, Mr. Small.

(The statement referred to follows:)

STATEMENT OF EVERETT C. SMALL, CHAIRMAN OF THE BOARD OF SELECTMEN, TOWN OF CHATHAM

Mr. Chairman and members of the committee, my name is Everett C. Small and I am chairman of the Board of Selectmen for the town of Chatham. I speak for the other members of the board and for the citizens of the town of Chatham. I would like to request that the records of the hearing at Eastham on December 9, 1959, on S. 2636 and all of the correspondence addressed to Senators Saltonstall and Kennedy plus any letters addressed to the members of this committee be made a part of the record of this hearing.

I realize that it is the purpose of this hearing to receive new or additional information relating to the proposed national seashore and I will confine my remarks to subject matter of this nature.

At Eastham the selectmen of Chatham filed a brief setting forth the position of the town in relation to S. 2636. I would like to have it recorded here that this position was subsequently reaffirmed by the Chatham Planning Board and the Chatham Finance Committee and the citizens of Chatham by a ratio of more than 40 to 1 at the annual town meeting of March 1960. An attested copy of the vote will be filed with this statement.

The position of the town of Chatham is simply that if there is to be a Cape Cod National Seashore the inclusion of the Nauset Beach area will have the sympathetic consideration of the townspeople but under no conditions or circumstances should any other area of Chatham be included.

Since the hearing at Eastham in December 1959 certain events have occurred and certain information has become available which confirms the wisdom of the positions taken by the town as set forth in its brief. A series of high tides and easterly storms have isolated Monomoy to a much greater degree, the area has lost seriously from erosion, there have been multiple breaches and at certain tides only the higher dunes have been above water. These conditions have been photographed and recorded by the town of Chatham. This experience of the

past winter is further proof that the Monomoy area is so impermanent, so obviously at the mercy of the elements that any expenditure of public funds for national seashore purposes in this area would be sheer folly and to picture Monomoy as an accessible part of a national seashore would be misrepresentation.

The most significant corroboration of the conclusions reached by the citizens of Chatham as to the effects of a national seashore on their community is contained in the "economic study" relating to the proposed Cape Cod National Seashore Park made under the direction of the National Park Service. A careful study of this report leads to the following conclusions:

1. A national seashore will attract more than twice the normal visitations to Cape Cod.

2. The increased visitations will require increased commercial development to serve it.

3. Increased commercial land use leads to decreased residential land use.

4. The ultimate result will be to hasten the commercial development of the cape so that a relatively small portion of it may be conserved as a national seashore park.

In its brief Chatham made this same prediction as to the effect the national seashore would have on Chatham. There can be no other result of nationally advertising a recreational area on the cape.

A Cape Cod National Seashore will mean public beaches to the millions within a few hours drive to the cape. To invite these millions to the cape supposedly for the purpose of protecting through a project established and preserving the cape is a cruel paradox.

The town of Chatham believes that its own program of public preservation of its natural resources for public use and enjoyment is the most constructive and most American-like way to accomplish the true purpose of conservation of the town.

Since the December hearing at Eastham it has secured passage of a State legislative act which authorizes towns to acquire meadowland marsh and tidal areas for conservation purposes, and it establishes a conservation commission at the annual town meeting in March to plan and put into operation a program to conserve strategic areas of Chatham through conservation easements or conservancy zoning. The commission is negotiating conservation easements with the private owners of Nauset Beach to preclude further building in the area and are engaged in similar negotiations with the owners of Morris and Stage Islands for the purpose of preserving the marsh, low beach and cedar swamp areas.

By virtue of recent legislative actions the town of Chatham possesses adequate power and legislative sanction to protect and preserve its own natural resources. It has the will and the spirit to accomplish this. It is determined to preserve its share of Cape Cod for posterity by maintaining the charm and character of a typical cape township. It will do this without any cost or bother to the Federal Government.

Chatham, therefore, hopes for your favorable reaction to the proposals set forth in its brief, and I thank you for this opportunity of appearing before you.

Senator Moss. Mr. Prince Hurd of Eastham.

Mr. HURD. Mr. Chairman, before I discuss the position of the Town of Eastham I would like to offer for the record the statement of Mr. Joshua A. Nickerson, a resident of Chatham, who was unable to attend this hearing.

Senator Moss. Thank you. That will be printed in the record in full.

(The statement referred to follows:)

STATEMENT OF JOSHUA A. NICKERSON, CHATHAM, MASS.

Since the hearing held on Senate bill 2636 in Eastham on December 9 and 10, 1959, there have been two significant related developments—the Interior Department's economic study and the Department's revision of the Neuberger bill.

In April, 1960 a local newspaper published, in serial form, an economic study which had been prepared for the National Park Service on the subject of a Cape Cod National Park. I believe that this report has not otherwise been available to the general public.

On April 19 and 20, 1960, the Department of the Interior caused to be introduced into both Houses of Congress, a revision of its previously sponsored Neuberger bill—H.R. 11842 and S. 2010. These bills are omnibus bills which include three areas in the United States which are proposed for park purposes, and for the first time the Department itself sponsored a bill which specifically spells out what the Department wants on Cape Cod.

The boundaries proposed are substantially the same as those indicated in the field survey made by the National Park Service in 1958 and later included, with some modifications, in S. 2636 introduced in 1959 by Senators Kennedy and Saltonstall.

The economic study made for the Park Service estimates 10 million visitor days annually to the lower cape within 15 years, if the park is established as proposed, on the one hand; or on the other hand, less than 4 million visitor days 15 years from now, if the park is not established as proposed, in the lower cape area.

The 10 million would be mostly "transients staying for periods of up to a week." The alternative 4 million would be mostly "summer residents staying for prolonged periods." So says the report.

The question to be determined then—if we accept this expert opinion—becomes: which way is better—or is there a way of achieving the most desirable aspects of both?

It must be remembered that most of the 10 million visitor days predicted would occur during the summer months of 1975. How will they enter? How will they leave? If they visit any portion of the park lying in the towns of Eastham, Wellfleet, Truro or Provincetown, and if they come by land, they will have to cross when they enter, and recross when they leave, the narrow isthmus which separates the Atlantic waters of Town Cove in Orleans from the Cape Cod Bay waters of Rock Harbor Creek.

There is, and can be, but one land route in and out. Thus, this narrow land would be accommodating more than 1 million pairs of unfamiliar feet arriving and leaving by the same route.

The question then arises: Who will maintain the highway facilities, and who will control the traffic, and who will police these people, and who will relieve their suffering and sickness and injury, and who will assure adequate public facilities, such as water supply, and who will provide the necessary sanitation facilities to dispose of the inevitable garbage, rubbish, and sewage which these millions will create?

In the revised Neuberger bill proposed by the Department itself under section 12, the Department of the Interior expressly forewears any responsibility for public highways, even within the proposed park. The Department of the Interior goes so far in the terms of this section that it could require existing roads within the proposed park area to be maintained forever, by the town, county, or State, whichever may presently have jurisdiction over such roads. Thus, it becomes obvious that it is the deliberate intent of the Department of the Interior to accept no responsibility whatever for ordinary public services which must be rendered to the visitors to the national park; such as provision for roads, police, health, sanitation, and in general the functions which are inevitably required when large numbers of people gather in a confined area. These services would have to be furnished by the local taxpayers.

The alternative to this, as outlined in the economic study, would be that the lower cape would continue to develop with a greater population of "summer residents staying for long periods." If this happens, the Park Service says that our beaches and dunelands will be destroyed. They say this, in spite of the fact that five-eighths of the Atlantic Ocean frontage is, at this moment, in public ownership. In attempting to cure one danger, the Park Service would, by its extreme position, be creating a worse one.

Somewhere between these two extremes lies a solution.

If the objectives can be clearly defined, the solution should not be difficult. What are the objectives of the Park Service? Is their major objective conservation or is their major objective to provide amusement areas for vast numbers of people who live in cities? The two objectives are not reconcilable when applied to this particular narrow tongue of land. You can turn the lower cape into a summer recreation and amusement area for a million people, but you cannot, at the same time, conserve its natural charm. This can be conserved, however, if emphasis is put upon the conserving the way of life of the people living in this area, and also on the conserving of the flora and fauna which have been put there by nature.

For 300 years the flora and fauna and the people have gotten along with mutual understanding; so successfully that it is an outstanding characteristic which accounts, to a marked degree, for the charm of the area. This mutuality of understanding between man and nature can best be preserved by preserving both man's way and nature's way.

I have several suggestions which I believe will constructively contribute to this end:

First, with respect to the park itself:

1. The amount of upland to be taken, particularly in Truro, Wellfleet, and Eastham, should be vastly reduced in order not to stifle and destroy the towns of the lower cape.

2. Since the protection of homeowners within the park will depend upon the validity of zoning bylaws to be approved by the Secretary of the Interior, the basic requirements of such bylaws should be spelled out by the Department now, rather than later; and in case such bylaws are held invalid by any State court, the Secretary's authority to take by condemnation should be further suspended long enough to permit corrective action to be taken, which would cause the regulations to be acceptable both to the Department of the Interior and to the courts.

3. The restrictions which the Department wishes to apply to the use of land within the park by private owners should be made equally applicable to such land use by the Department itself.

4. The use of tents, trailers, or similar temporary facilities for human habitation within the park areas of the lower cape should be prohibited. Such use by large numbers of transients would effectively destroy the very features which the Park Service say they wish to conserve.

5. The fisheries as a whole, and the control of tidal waters, should not rest with the Park Service, but should remain as now, under the existing State and Federal laws. What possible reason, for example, can the Department of the Interior have for wanting to control the Atlantic Ocean and Cape Cod Bay for one-quarter mile offshore from the low-water mark? Can it be that the purpose for which this is desired, would be—as in the case of the Everglades National Park in Florida—to prohibit commercial fisheries in such waters?

6. It should be provided that the consent, as well as the advice, of the Cape Cod National Seashore Commission, or its successors in function, should be required if the Secretary of the Interior wishes to devote the national park, in part, to industry or commercial uses. The Secretary of the Interior should not be allowed, without such advice and consent, to permit the establishment of commercial business, including barrooms, in the Cape Cod National Park, as he has done in other parks.

Beyond the bills themselves, it seems to me that the thinking of the people who have been responsible for the development of this program on behalf of the National Park Service, has been entirely too parochial. They have seen a danger and they have provided what they believe to be a remedy—but the result of their remedy could be worse than the original disease itself.

The situation can be better cured, however, through such modifications as I have suggested above, if, at the same time, a broader concept of the problem is adopted. The entire Cape Cod and southeastern Massachusetts area which was originally the "old colony" of Plymouth, is a cohesive social, geographic, natural, and economic unit, which should be regarded as such for the purposes of determining the use of this land in the centuries ahead. Such a piecemeal attack as it proposed in this bill will only make the situation worse.

Tenting, for example, should be prohibited within the proposed park area in the lower cape but it should be encouraged and developed in the area between the Cape Cod Canal and Plymouth. Here is a natural place for this use—big enough to accommodate the crowds without destroying the natural charm. The beach areas of the lower cape need the protection of conservation, not the destruction which would follow use, primarily for recreational purposes.

The Atlantic Ocean beach front is not a particularly desirable place for bathing. There are other places on and near the cape which are much better and are free from dangerous undertow, and they would better serve the transient tent population of the Plymouth woods.

Some of the towns have been giving consideration to the preservation of their wetlands and marshes in their natural state. Does not the Park Service regard these to be important, and if so, why should it put its emphasis upon the taking of uplands in the lower cape and neglect some of the wetlands and marshes, which are both visually and scientifically extremely interesting, as well as of

immeasurable value for the sustaining and development of our fisheries, especially shell fisheries which, in a good year, provide income to the inhabitants far in excess of \$1 million.

In short, I believe the Congress should advise the Department of the Interior to raise its sights and to devote more study to this problem. It may be that they are confused, being accustomed to the vast open spaces of the West, when it comes to dealing with the narrow land of Cape Cod in its relation to the most densely populated portion of the United States, which adjoins it.

If the Park Service will be satisfied with taking beaches and dune land, and marshes, now, for conservation purposes, if they will make further studies, including the whole old colony area of southeastern Massachusetts, of the means of providing recreational facilities in summer for the people from the cities; if they will clearly recognize the incompatibility, in the narrow lower cape, of conservation and use for recreation and amusement by millions, then let them take the three-eighths of Atlantic Ocean beach front of Cape Cod which still remains in private ownership now for conservation purposes. But let them come back later with better plans for providing a park for recreation and amusement which will not destroy the benefits of their park for conservation.

Mr. HURD. I would also like to offer at this time the statement of the planning board of the town of Eastham, none of which members was able to attend this hearing.

Senator MOSS. That also will be printed.

(The statement referred to follows:)

STATEMENT OF THE PLANNING BOARD OF THE TOWN OF EASTHAM, MASS.

The planning board of the town of Eastham, being charged with considering and making recommendations for the best interests of the town of Eastham only, and not for the rest of the United States, has with the aid of the reports by the Blair Associates and the Economic Development Associates come to the decision that any form of national park would be highly detrimental to the town, and are therefore unanimously against any bill for a national park involving the town of Eastham.

We feel that any uncertain benefits that may be derived from this bill are more than overbalanced by the fact that economic and sociological changes are bound to follow enactment of this legislation which will, for all practical purposes, destroy the identity of the town.

To begin with, economically we do not need the park in any form. From figures readily available it is plain to see that our growth during the last 10 years has been steady and healthy. Each year sees more and better homes being built in all sections of the town. As the newer subdivisions become developed, the results of our zoning and subdivision regulations become more evident. These are all reflected in our modest assessed valuations and tax rate. In short, the town of Eastham is at present a very sound and healthy business. The people running this business live here, work here, and each has, by virtue of being a resident, a certain amount of stock in the corporation. We feel that we can manage this business better by far, than a group of individuals in Washington or Philadelphia who are not familiar with the towns involved.

We feel that our present family vacation prototype, who stays from 2 weeks to a month, is attracted by uncrowded beaches, shopping and recreational facilities, and would be discouraged by the crowding of all these which a park would cause. Many of these people buy land and build homes, providing us with work through the winter. We cannot afford to lose them. These people all have a genuine interest in, and affection for the town and many look forward to the day when they can retire here.

The sort of business facilities which we would have to provide for the overnight visitor, such as motels, restaurants, Dairy Queens, gas stations, and the like, would destroy the character and spirit of this town and area as certainly as a tidal wave.

The town of Eastham has had zoning regulations and building codes for 8 years, a zoning committee for 3 years, and a conservation commission for 2 years, all active. The area within the bill is all in residential A zone. The town of Eastham has 17 free public town landings, of which 11 are on salt water beaches, and also holds in excess of 30 acres for future public beaches as needed.

As to the conservation and availability of beaches, we feel that the town already has a fine start in that direction. The town has between 30 and 40 acres on the ocean side of the town and if left to its own devices could acquire most of the beach from Nauset Inlet to Nauset Light, assuring ample public beach for all time. On the bay side there are seven free public beaches, the largest having an area of 30 acres with a frontage on the bay of about 1,500 feet.

The conservation commission is now working with the board of selectmen and the planning board to establish a conservancy district that would include all of the marshlands of the town, an area about double the amount to be conserved by the national park. Should a national park be established we would, because of a shortage of land, be forced to give up this highly desirable project and allow our marshes to become commercialized.

Given the opportunity, we can reserve enough of our town by ourselves to retain its original characteristics and at the same time provide all who come here free access to the shores and marshlands. This at present is a reality and with little effort it can be secured by the town forever. If necessary, covenants could be drawn with the Federal Government securing these rights for all of the citizens of this country. We would like nothing better than to share our irreplaceable natural assets with everyone. We would like to do this, however, more or less on our own terms as long as these are our fields and our woods and our ponds and our beaches that are at stake. This, to our way of thinking, is a more democratic method of handling the situation. For the Federal Government to descend on us with threats of confiscation and taking by eminent domain to preserve for others what has been ours for 300 years, by every right that we enjoy as citizens of this country, is undemocratic, to say the least.

We feel, that with cooperation rather than coercion by the Government, the town could set aside enough land and beach through various types of zoning to insure free access to the so-called great beach and marshes for everyone, for all time. As mentioned before, covenants could be entered into between the town and Government to forestall any possible encroachments upon these rights. This would secure the main objective in the bill without disrupting families whose homes are established or taking from us the land which we need for future development. At the same time it would allow the character of this town and this area to remain the same for the thousands of people who like it as it is.

We would like to point out that the flora in this area would be of no national interest as it consists mostly of scrub pines and scrub oak. The area behind the dunes is flat, with no ponds, and is of no more interest geologically than any other glacial sand and silt deposit. The fauna, mostly deer and rabbits, would soon disappear under the 60 million visitors. There are no sites of national historical interest within the proposed park area.

In summation, it is our opinion, which is supported by the reports of the Blair Associates and the Economic Development Associates, that a national park might preserve the land within its actual boundaries but would make a mockery of the remainder of the town, a miscellany dependent entirely upon a 10-week tourist season and a very objectionable type of commercialism that the town of Eastham with the committees mentioned above, plus over 300 years of experience in this area, is more able to and will, because of personal interest, do a better job for the public who want to keep Cape Cod as it is.

STATEMENT OF PRINCE HURD, BOARD OF SELECTMEN, EASTHAM, MASS.; ACCOMPANIED BY PRESCOTT CUMMINGS, CHAIRMAN, EASTHAM PLANNING BOARD

MR. HURD. I am Prince Hurd, member of the board of selectmen of the town of Eastham and I am accompanied here today by my fellow colleagues on that board, Mr. Wiley and Mr. Smith. Our town and the other towns most vitally concerned with this issue have wrestled with this proposed legislation since its proposal.

We have met individually and we have met as groups and contemplated it, and as a result of that we have come down here with suggestions that if adopted we feel that the town could live compatibly

with the Cape Cod National Seashore Park. I shall confine my comments to the town of Eastham, and you will notice on the first panel of the map on the right representing the town of Eastham a portion of it goes over into the last panel on the map on your left.

The area in red between it and the Atlantic Ocean represents the proposal offered by this bill. The yellow line indicated on that map represents our proposal whereby our town could live compatibly with this proposal. We have discussed this matter with Mr. Keith, our representative in the House of Representatives. He has come to the cape on numerous occasions. As Mr. Snow pointed out, he has given much of his time and weekends to come down and discuss our mutual problems.

The town of Eastham does not come down here and say that arbitrarily the boundary line of the Cape Cod National Seashore Park should be pushed back toward the Atlantic Ocean. We have in the past few years done everything within our power to acquire property to give access to the public to our beaches.

We want to share our property with the citizenry of the United States, but we feel that the proposal in its original form is enough to strangle our town, and I point out the proposition that the town of Eastham offers as its contribution here. The economic survey contracted for and received by the National Park Service indicates that in the year 1975 there will be 10 million visitor-days per year at this seashore.

The economic survey and a survey obtained by the town of Eastham under the auspices of our planning board has also shown what our population growth will be between now and the year 1975. If the same density pattern as in the past continues in the year 1975 the towns will have reached a saturation point. The economic and commercial pressures as indicator to this 10 million visitor-day influx of people through a Cape Cod national park would be tremendous on the outside of the remaining part of our town which in the long run would cause the honky-tonk that the proponents of this park say is going to happen to Cape Cod without the Cape Cod Seashore.

We come now to what the town of Eastham admits as its responsibility to both its townspeople and the seashore and the national park. We offer this area between the red and yellow lines as a highly restrictive residential zone, thereby forever insuring that those people coming to visit the seashore will not be obliged to step from the commercial area catering to their needs—restaurants, motels, gift shops, hotdog stands—immediately into the preserved area. I offer for your consideration the fact that the Commonwealth of Massachusetts has recently passed an enabling act called the historic-site-zone zoning.

This authorizes a town to adopt or to amend its existing zoning regulations so that it can control architecture. We feel that this is something that will help this area in that the residences that would be developed there would be compatible with the history and culture of Cape Cod. The area that we propose to eliminate also has little or no value to the National Park Service as set forth in section 1 of S. 2636. There is little cultural or scenic value there.

There are no lakes and there are no ponds, but we are preserving for all time the marshlands, Nauset Bay, the Salt Pond area, and the

Atlantic Ocean which we want to share with the rest of the United States. We urge, therefore, that the committee take into consideration the proposals that have been offered here. I am speaking for the town of Eastham in particular, but I also recognize the problems that my fellow townsmen have come down here with and I think that our approach is one which ultimately will benefit both our town and this proposal.

Thank you, Mr. Chairman.

Senator Moss. Thank you very much, Mr. Hurd.

Mr. HURD. I have here also the written statement of the town, each one of which has a map showing the delineated areas.

Senator Moss. Very good. That will be put in the record in full, Mr. Hurd.

(The statement referred to follows:)

STATEMENT OF THE BOARD OF SELECTMEN OF THE TOWN OF EASTHAM, MASS.

I. INTRODUCTION

The position of this board with reference to the establishment of a national seashore park on Cape Cod is primarily the same as its statement presented to the Senate subcommittee hearing held at Eastham, Mass., on December 9 and 10, 1959. Reference is made to page 66 et sequitur of the record of that hearing, and no undue emphasis will be placed on that statement for you have it before you.

However, it cannot be overemphasized that at that time, our position was merely outlined in general terms so that those ideas and arguments could be more fully developed and our thoughts crystallized after having the benefit of study and reports concerning this proposed legislation.

We are pleased to state that the independent studies made concerning this legislation tend to support our position. Note also that each of the towns affected by this proposed legislation has, in a sincere effort to meet the purposes of said legislation, prepared residential buffer zones which would remain in private ownership. Land uses within these zones would be restrictive and are more fully explained herein.

This board is in accord with the residential buffer zones offered by our neighboring towns and urges that each town's proposal receive your studied attention. However, this board would not presume to be qualified to give supporting argument for each town's proposal and is necessarily limited to explaining its own so-called residential buffer zone proposal and the reasons therefor. (See secs. V and VI *infra*.)

II. PROTECTION FOR INDIVIDUAL PROPERTY OWNER

The need for sufficient funds to negotiate for the purchase of property needed for park purposes cannot be stressed too strongly. We are deeply concerned for the property owners in our town, as well as the neighboring communities involved, who might find it imperative, for whatever reason, to liquidate their property holdings. As a matter of fact, the filing of this bill has severely limited the incidence of sales in the proposed park area. For those who wish to sell because of an inability to maintain their property, this is an undue hardship. Especially, in view of the fact that another person, in similar circumstances, but with property outside the proposed park area, is able to liquidate with relative ease. Nor is this speculative thinking, for it has happened in several instances and these people are in a position that prohibits any avenue of escape as long as this legislation remains at the committee level.

Therefore, it is imperative that the Secretary of the Interior be given both the funds and the obligation to negotiate for the purchase of property upon final passage of the legislation. Such negotiations should take precedence over the acquisition of other lands despite their desirability for park purposes. This procedure would also do much to alleviate the economic pressures that many persons are now experiencing as well as give them great hope for the future.

And as an aside, let me point out that it has been the experience of our board that the principle involved in this proposed legislation has never been attacked

successfully. That is to say that the overwhelming majority recognize the imperative need to preserve our outer beach for the benefit of future generations. The difference of opinion lies in the vehicle that can best accomplish this purpose and still maintain the distinctive qualities of the towns involved. Hence if the Federal Government determines that it can best do the job, then it is suggested that it make every effort to cooperate with the persons directly involved, whether the individual be representative of the majority or minority of such persons. And we add that the persons truly directly involved are the property owners lying within the final park boundaries. It is these persons who must be protected.

Of course, this would be true wherever a park were proposed. But, this appears even more so when discussing the Cape Cod National Seashore Park. We are told that the proposed taking is unique in that here there is an unusually high incidence of improved property involved. The earnings of a lifetime have gone into many of these properties. Therefore, the Park Service must be charged with the duty and obligation to treat these property owners fairly. The legislation can and must spell this out.

III. TAX REIMBURSEMENT

And as it is incumbent upon the Park Service to protect the individual property owner, so it is necessary to protect the individual townships involved. These towns have geared their municipal spending with the view that the tax base would be steadily expanding, a view based on past experience. Suddenly we are faced with the prospect of losing a sizable portion of that base. This you will find is particularly true with reference to the towns of Chatham, Eastham, Wellfleet, and Truro as they are affected by the proposed park area.

The National Park Service has contracted for, and received an economic study of the impact of a national seashore park on Cape Cod by the Economic Development Associates, Inc., of Boston, Mass. This firm has delved into this aspect of the proposed legislation. (See pp. 65 and 66 of the study.) And further on page 74, we quote: "Because of the lack of immediate benefits to the towns, there is no present compensation to offset the takings for the park. It is our opinion that payments in lieu of taxes are justified and necessary." But, the reimbursement should be fair to both the Federal Government and the towns involved. That is to say, we have no desire to make a profit on the transaction, for this would not be in keeping with our responsibilities to the towns or the Federal Government. The formula suggested by the Economic Development Associates, Inc., study would be fair and equitable to all concerned. Thus, the tax reimbursement would be equal to the taxes lost as a result of taxable property acquired by the National Park Service less any taxable increase in the area outside the proposed park area of a town directly attributable to the creation of the Cape Cod National Seashore Park.

The situation with the affected towns is, therefore, comparable to the affected property owners in that the area is unique by comparison to other takings for park purposes. On Cape Cod, the proposed area is considerably more developed. The loss of the area, without tax reimbursement, would substantially increase the tax burden on the outside property owners, a situation which our economy is, unfortunately, not adapted to shoulder. Here, again, the final legislation should and must contain the provision for this tax reimbursement.

IV. PARK USES

We endorse the principle of preserving a portion of the lower cape for cultural, scenic, historic, and scientific purposes as set forth in section 1 of S. 2636 and H.R. 9050. However, we abhor the wide range of recreational activities suggested under section 9(b) (1) of the same bills. The natural recreational activities found and enjoyed in the area would be in keeping with a seashore park. But we feel that the activities should be limited to fishing, boating, bathing, and hunting. Any additional activities would ultimately trample and destroy the basic charm and beauty of the area. To convert the outer beach to a mere playground would destroy all that the thinking citizenry has so jealously guarded during the past generations.

The underlying philosophy of the Park Service and its application to Cape Cod which is " * * to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" should be the sole purpose of the Cape Cod National Seashore Park.

Any uses within the proposed park which would encourage the daily trip, and then the visitor moves on or returns home, would compound a growing problem in the area. This is the congestion that would result on our existing highways into the area. Unfortunately, they are not geared to handling the visitor load that the National Park Service survey indicates the area would invite. Also, such uses would neither preserve nor conserve a portion of Cape Cod, the purpose of this legislation. We maintain that the only appropriate public use of this proposed park is for the cultural, scenic, historic, and scientific purposes set forth in section 1 of said bills. And if the proposed park area is dedicated to these restrictive uses, rather than being thrown open to excessive recreational uses, then truly will a portion of Cape Cod be preserved for the enjoyment of future generations. We further submit that true preservation of the proposed park area will succeed in assisting the remaining land in the affected towns to preserve their unique way of life, which obviously is desirable to us and would be, to a great extent, complementary to the park proper.

We cannot stress too strongly that we have no desire to become excessively commercialized, and particularly in the direction that caters to the transient visitor.

All surveys of the area indicate that lower Cape Cod invites the summer resident as opposed to the tourist. To preserve this way of life would assure harmony for both the towns and the proposed park.

V. POPULATION AND LAND USE IN EASTHAM

The economic survey conducted under the auspices of the National Park Service shows that the town of Eastham will, whether the park becomes a reality or not, experience a growth in its year-round population as follows:

1955: Population of 1,107.

1975: Population of 3,037 to 3,719.

Conservatively, then, this represents a population growth of 2,000 persons. Assuming that the family unit consists of 4 persons, some 500 dwellings will be erected in the town during that period.

The town of Eastham, under the auspices of its planning board and in view of the proposed Cape Code National Seashore Park, obtained a planning study of the town by Blair Associates of Providence, R.I., which shows current land use as follows:

Town acreage.....	9, 320
Presently developed acreage.....	1, 700
Swampland acreage.....	1, 720
Ponds.....	220
Proposed park acreage.....	3, 480
	<hr/> 7, 120
Remaining acreage.....	2, 200

The town of Eastham study shows that the average year-round dwelling sits on 2 acres of land at the present time. If we can assume that this density pattern will remain constant, we see that in 1975, some 800-1,000 acres of the 2,200 acres available at this time will have been consumed by year-round dwellings, leaving 1,200-1,400 acres.

Both of the studies referred to above recognize that the town of Eastham has sought out the year-round and summer resident as the basis for its economy. The summer resident vacations here for periods of 2 weeks and longer. He usually acquires a parcel of land and has a summer cottage constructed thereon. The town has made no concerted effort to attract the summer tourist, who visits the town for periods up to 1 week. The town of Eastham study shows the density of summer cottages is one to an acre. Neither study has undertaken to project what the summer resident population will be in the town of Eastham for 1975. The National Park Service study shows that the 6 towns involved in this legislation will experience an increase in summer population of 25,000 persons. The town of Eastham study shows from an examination of building permits issued for the past 3 years that summer cottage permits issued numbered 154, while year-round dwelling permits issued numbered 130.

It can be conservatively estimated that during the next 15 years, 50 summer cottage permits per year will be issued. If the density ratio remains constant, summer cottages will consume about 750 acres and in 1975 the town of Eastham will have some 450-650 acres remaining after providing for the year-round and summer cottage buildings.

The National Park Service study concludes, however, that the towns will ultimately benefit by the establishment of the Cape Cod National Seashore Park in terms of commercial construction. The park will attract untold tourists who will have to be provided with the services of lodging, meals, entertainment, souvenirs, and other gifts and crafts.

It is submitted that the pressures for commercial expansion in the town of Eastham will by 1975 have consumed the 450-650 acres of remaining land. Upon reaching this saturation point, the town of Eastham will have no choice but to downgrade its existing qualities from that point on. Such a condition we do not choose to leave to our children. And at the same time we recognize the need to preserve the charm of Cape Cod that we thoroughly enjoy today. Nor do we believe that the integrity of the park can be upheld should the adjoining community become a mediocrity.

The town of Eastham study states the solution to this self-evident problem as follows: "While some commercial benefits may be derived by the town from the existence of the national park, the residential legacy of past development in the remaining area is not conducive to the future development of substantially better quality housing among it. The result might be that Eastham would develop as a residential community of mediocre quality. The town today as a whole is certainly not that, and any reduction of the proposed park area which recognizes the need for retaining some of the existing good quality housing areas will go toward achieving that balance of housing quality which is essential to the future physical and esthetic character of the town of Eastham."

VI. BOUNDARY REVISIONS

We submit for your strongest consideration certain changes in the proposed boundaries of the Cape Cod National Seashore Park in the town of Eastham. There are three distinct areas involved, each of which will be taken up separately in the following paragraphs.

It is not expected that these areas should be deleted without a guarantee that they will serve a useful purpose to both the town of Eastham and the park proper. The town of Eastham, since 1952, has enjoyed a zoning bylaw with a view to the most appropriate use of its land. Therefore we are in a position to propose strict residential uses only for these three areas, calling for appropriate lot size, frontage, and setback requirements. The National Park Service study has suggested zoning requirements of lots containing not less than 20,000 to 30,000 square feet, which we heartily endorse. Such other land uses as the Secretary of the Interior, acting under section 6 of S. 2636 and H.R. 9050, would consider desirable, and are reasonable, we would be willing to include. The zoning requirements, applicable to each of the towns, we repeat, should be strictly residential plus whatever reasonable uses the Secretary of the Interior deems desirable. In this way only can the permanently desired results be obtained. There is also sufficient reason to believe, in the light of recent legislation by the General Court of the Commonwealth of Massachusetts, that architectural controls could be exercised over the construction of homes in these areas, effected by the creation of so-called historic zones. Thus again, the character of our towns and the proposed Cape Cod National Seashore Park would preserve our great heritage.

We further subscribe to such controls in this legislation as would guarantee the Secretary of the Interior the right to be advised of any change in the protective zoning of the towns, either as a group or individually. In this way, our common purpose of preserving what we have is greatly enhanced. These areas would serve two purposes, which apply equally well to the areas suggested for retention in private ownership in the other towns.

1. Assure the town of Eastham an area in which high-quality homes could be built, thus preserving the amenities of our town for all time rather than risk the dire possibility set forth above.

2. Assure the park proper of a desirable residential buffer zone which would be complementary to the integrity of the park. The visitor would pass through this residential zone as he approached the park. And once in he could appreciate that the park is not adjoined by any undesirable land use.

Exhibit No. 1,¹ attached to and made a part of this brief, depicts the proposed Cape Cod National Seashore Park under S. 2636 and H.R. 9050. We suggest

¹ The exhibit referred to is a map of the area and is on file with the committee.

that this proposal is vulnerable to undesirable adjoining land uses. And especially in view of the emphasis that both studies make on the additional commercial construction that the town will have as a result of the park. To provide a buffer zone of residential use would be conducive to the interest of both the town and the park. Without these buffer areas, it would be extremely difficult for the town to resist the pressures for commercial development along the park's perimeter.

Area 1

This area, which we suggest be deleted from the park proper, is a portion of the additional area included under S. 2636 and H.R. 9050 as compared to the proposal originally offered by the National Park Service.

We accept the thought behind S. 2636 and H.R. 9050 that the public is entitled to the shoreline along Salt Pond Bay and the Great Marsh. The description of the shore area to be included within the park is easily defined by using that point which is 13 feet above mean low sea level. This area is identified as "Area No. 1" on said exhibit.

Note that a public way leading to a public landing runs through this area, thus assuring the national seashore park visitor access to this shoreline. We are pleased to advise that at this very time, this public road is being widened and improved for the convenience of the traveling public. This area would then be strictly zoned as outlined above to the easterly boundary line of Route No. 6, even though the deleted area 1 does not extend to that boundary along its entire length.

Each of the areas suggested as a residential buffer zone in this brief are improved to a certain extent. Hence, as a measure of economy, this proposal merits consideration. Some 75 existing homes are included in the 3 areas. Ultimate acquisition costs would be considerably reduced.

Area 2

Area No. 2 as shown on exhibit No. 1 depicts the area we strongly urge be deleted from the park proper and serve as a strictly zoned residential area. The area is easily defined and we propose to include in this area, for the park proper, the land to a depth of 300 feet on the northerly and westerly side of Nauset Road from Schoolhouse Road to Doane Road. The reason for this is that Nauset Road will be used extensively by the park visitors and we appreciate the necessity that the park roads be protected so as to maintain the park's integrity.

Area 2 makes a natural residential buffer zone. In addition there are a number of houses already in existence in the area. Hence the deletion of this area, as well as that of area 1, would appreciably lessen the cost of acquisition for the park proper.

Area 3

Area No. 3 as shown on exhibit No. 1 depicts the suggested area for deletion under our proposal. This area can easily be described for boundary purposes and monuments placed to show the perimeter along the easterly line of the area. Once again, the acknowledgment is made that Doane Road would be a park road, so the southerly boundary of this area is set 300 feet north of the northerly side line of said Doane Road.

This area would, like areas 1 and 2, be strictly zoned for residential purposes and act as a residential buffer zone between the park and general uses made of the land in the town of Eastham, under its zoning bylaw. There are compelling reasons for deleting area 3 under appropriate safeguards. This area would assure the town of a high-grade residential district in combination with areas 1 and 2 for our future generations of the town's people. This residential buffer zone would avoid the unsightliness of the residential areas that would come if the town were not to have the zone and the saturation point for construction were reached within a few short years as indicated above. And, I repeat, this buffer zone protects the integrity of the park proper. In addition, within this area, there is very little of value to the park as set forth in its literature proposing the need for this park. There are no lakes such as are found in the towns to the north. The terrain is flat and uninteresting from a scenic point of view.

The basic value of Eastham from a strictly park point of view lies along the marsh and outer beach. But under these suggestions, there is ample land set aside for park purposes. The approach, or entrance to the park, is made at the Salt Pond area, from whence the visitor can be directed along the shore to a point where the park proper would widen out to a sufficient area to tie in with

the taking in the adjoining towns. And in addition to proper zoning requirements within this area 3, we would protect the integrity of the park proper with the guarantee that no public roads would be constructed along the easterly boundary of this area.

Exhibit No. 1 depicts our suggestions in full. This exhibit, we feel, is self-evident in that it offers a proposal that would benefit both the town of Eastham and the National Park Service.

To best accomplish the assurance of preserving the integrity of the towns involved, and thus ultimately assuring a useful Cape Cod National Seashore Park to be enjoyed by future generations, the Board of Selectmen of the Town of Eastham offers as an amendment, and strongly urges its adoption, that the provisions of section 5 of the original S. 2636 and H.R. 9050 be amended so as to include the so-called residential buffer zones as offered by the individual towns in place of the undefined 10-percent area now proposed.

Thus it would be incumbent upon the individual towns to adopt these zoning bylaw revisions as outlined above, thereby protecting their children's future right to a top-quality residential area or areas within the towns.

VII. CONCLUSION

Our board concludes that any legislation creating a Cape Cod National Seashore Park must provide the funds and responsibility to negotiate with any and all individuals wishing to or having to liquidate their holdings; provide for suitable tax reimbursement to those towns faced with a sudden loss of a substantial portion of their tax base; insure the preservation of the outer cape as the purpose of the legislation; and authorize the revision of the boundary lines where the integrity of both the town and the park proper will better be served thereby.

Senator Moss. Mr. Norman Cook, who is executive secretary of the Cape Cod Chamber of Commerce. Mr. Cook.

STATEMENT OF NORMAN COOK, EXECUTIVE SECRETARY, CAPE COD CHAMBER OF COMMERCE

Mr. Cook. I am Norman Cook of the Cape Cod Chamber of Commerce. We have filed a brief with the members of your staff, and the principal burden of that brief is that action on this bill be delayed so that we might learn more about this proposal. You have heard our selectmen. All of them have indicated the dire need of changing the boundaries or trying to work out some other boundaries. We believe that is important.

We also in our brief respectfully call your attention, sir, and that of your committee, to the fact that Cape Cod can accommodate a national seashore, but when comparisons are made between it and Cape Hatteras, we have pointed out to you, the county containing Cape Hatteras had a population of 14 people per square mile compared to the Barnstable County area, Cape Cod, of 117 people per square mile in 1950.

Since that time our population has increased about 50 percent, so that we hope that more careful study can be given to this proposition that appears to have been given so far. You heard Mr. Frazier, and I heard other selectmen, say that they have tried to negotiate or consult with the Park Service and have been unable to do so since your hearing last December. We are astonished at that attitude. We are greatly disturbed because, as I pointed out in our brief, there is this matter of boundaries that does need consideration. There is this misunderstanding concerning zoning, the zoning regulations that may be promulgated by the Secretary.

The need should be understood and our people need an opportunity to discuss that with people. You have heard about the composition of the advisory committee. That is a serious problem, the most serious problem as long as our members and the Park Service consultants indicate this tremendous influx of people getting up to 2,500,000 people in a matter of 4 years and 10 million in 10 years and, also, the Park Service says that if this land is to be taken to preserve the historical, archeological, biological, and historical aspects of the cape and this area, and they do intimate that tent sites will be allowed, our great concern is the number of these tent sites.

It seems to us as the bill is now drawn it leaves it exclusively to the Department of the Interior and the Park Service. We have seen what pressures will do as respect tent sites. We know that there is a growing demand upon the part of the American public to camp out and we are heartily in agreement with that sort of thing, but we know that pressure can be brought by disgruntled constituents through Congress and through the State legislature on these administrative groups to expand those tent sites.

We have had a perfect example of this in our State most recently and in our county. For a number of years we have had a State park and camping has been allowed. I think it is either the second or third day of January in every year those tent sites are almost completely reserved. We know that there is a great deal of unhappiness about this fact and only recently it was announced through the press that our department of natural resources had decided to put 400 tent sites in a little woodlot up to the town of Sandwich to accommodate these people apparently.

We are particularly sensitive on this aspect because it was our organization that had the Shawnee State Forest created about 25 or 30 years ago so that the study for the reforestation of Cape Cod might be made, and now we suddenly discover through an administrative decision that 400 tent sites will be out in this area. There are no beaches.

There is just nothing but a woodlot where scientific experiments have been going on on reforestation for our area. We would like to see written into this law a restriction by the Congress on the number of tent sites. If this is a sincere effort to preserve this area for conservation we welcome it, but if it is going to be turned into a vast tent and campground we are opposed to it. We don't think that any good intentions now are enough. We sit here today and the Park Service agrees that maybe there will be a limitation, but unless that is specified by Congress, and we see no other way to accommodate these 2½ million or 10 million people visitor-days that they anticipate is going to happen, where are these people going to go? These two theories we don't believe are compatible and can be carried out with any degree of conservation at all.

We are very much alarmed that this will become a Federal campground for hordes of people and the preservation of this area cannot be accomplished.

Mr. RICHARD L. CALLAGHAN (staff director). You suggest that the Congress should decide where campgrounds should be placed. Do you have any particular suggestions within the boundaries that the

Park Service desires that you think more suitable for that type of activity than others?

Mr. Cook. In our brief, sir, we request a delay before we go off our State legislature enabling legislation so that our county might be allowed to employ consultants on these points. Our organization has been since 1925 devoting itself to land use, planned zoning, and that type of activity. We don't claim that we have been entirely successful. We have made some progress. We can see these changes coming. We are not prepared to recommend any area for tent sites. We don't know that there should be any tent sites there. Perhaps there shouldn't be any. We were criticized for not appearing in your December meeting. The reason we didn't appear is that we know this is a very technical question, all of these points, and we had known that this legislation was found in our State in early December and we wanted a chance to get real competent advice on these points and we are not prepared to recommend anything.

We go along with the recommendation suggested by our selectmen as to the boundaries. If they are satisfied with that we think they are probably correct, but there are a great many points that we think have to be studied in addition to the tent sites. We think that further study should be made on this point in lieu of taxes. We think that the public health protection has been entirely overlooked both by the Park Service and by the people who make the economic study.

They define what the boundaries of the town shall be after the park is created and we have seen nothing indicating where future water supply will be obtained. We have seen nothing for garbage and sewage disposal in these towns and we are under the impression that the towns themselves haven't met that problem yet and with the current conditions we shudder to think what will happen if this park is created without further information on these points. It wasn't so long ago that the town of Provincetown had to have special legislation to go over to the town of Truro to obtain additional water supply. Those are things that we think are very vital to this problem and have not been given as yet proper study. I might add the seventh point and conclude my remarks, and that is the matter of highway and traffic control.

If we are to accommodate and entertain 10 million visitor-days from the people of the United States we wonder what is going to happen to our highway system. Are our towns on the county or is the State supposed to provide the highway system and the traffic controls to make this possible? East of the New Bedford, south of Boston, we are not in this new program of Federal highway construction. We are on the old basis of 50-50, and those things are points that we are afraid will come back to haunt us if this park is created hastily and without a great deal more study.

Senator Moss. Thank you, Mr. Cook. I appreciate your testifying. Your brief has been filed and will be part of the record.¹

Mr. Cook. I might say the selectman of the town of Barnstable and Congressman Nicholson had made arrangements to leave and didn't know about this hearing and asked me to file those, which I did.

¹ The statement referred to, including additional correspondence between Mr. Cook and the Massachusetts delegation in Congress, is printed in the appendix to this hearing.

Senator Moss. They will also be included in the transcript of this hearing. Thank you, Mr. Cook.

(The statement referred to follows:)

TOWN OF BARNSTABLE SELECTMEN'S OFFICE,
Hyannis, Mass., June 17, 1960.

Hon. JAMES E. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: My name is George L. Cross, and I am a resident of Hyannis, Mass. I am a selectman in the town of Barnstable, Mass., in the county of Barnstable. Barnstable is the largest town in the county of the proposed site of a national seashore park.

Cape Cod (Barnstable County) is a small island connected to the mainland by two bridges. Because of this very unique feature and other characteristics, the whole county is very much unified in its actions and thoughts. What effects, traffic, taxes, zoning, employment, and other economic trends have in one town are bound to be of common concern of all the others.

I have heard and read much on this subject. I am opposed to the national seashore park being established on Cape Cod.

All the towns in this county have public beaches plus many ways of access to the water. There are no restrictions of these beaches. At some of the areas, small charges are made for parking privileges, but nowhere is there a charge for the use of the beach or bathhouses.

To give you some facts on the numbers, sizes, and facilities of a particular town, I will list those of the town of Barnstable.

There are 21 public beaches in the town. They have a total of 831 acres and extend 31,363 lineal feet. In addition to the aforementioned beaches there are 47 "ways of access to water" for the general public in the town of Barnstable. A list is attached showing these ways. May I emphasize again that they are open to the general public. The citizens of Barnstable feel that these beaches will care for the needs of any number of people that will ever visit our community.

The other towns on Cape Cod have made similar provisions and we feel that there is no need for this action by the Federal Government of these United States. We take great pride in our form of government and believe that this proposal is an infringement on our home rule. We have made provisions to retain our beaches and marshes with solely our own money and anything further in this respect should be done by our towns and county and paid for by them.

Notice of these hearings was sudden to our people, and many more would like to attend but could not because of the season of the year and limited notice.

GEORGE L. CROSS,
Selectman, Town of Barnstable.

TOWN OF BARNSTABLE, MASS., WAYS OF ACCESS TO WATER

PRECINCT NO. 1

1. Bone Hill Road : Road to water.
2. Indian trail : Road to water.
3. Millway : Town Beach.
4. Millway : New bulkhead and wharf.
5. Scudder Lane : Landing.
6. Hinckley's Pond : Route No. 6.
7. Hathaway's Pond : Recreation area.

PRECINCT NO. 2

1. Garrett's Pond : Oak Street landing.
2. Sandy Neck : Town park, recreation area.

PRECINCT NO. 3

1. Lewis Bay Road : Landing, beach ; about 300 feet on Lewis Bay.
2. School Street : Road to water, about 40 feet.
3. Pleasant Street : Road to water and town wharf.
4. Ocean Street : Bulkhead, park.
5. Ocean Street : Veterans' Memorial Park.

6. Kalmus Park: Ocean Street, Dunbar's Point.
7. Estey Avenue: Road to water.
8. Sea Street: Beach.
9. Hyannis Avenue: Way to water.
10. Town Beach: Washington Avenue and Iyanough Avenue.
11. Aunt Bett's Pond: Town land.

PRECINCT NO. 4

1. Craigville Beach: Town Beach and landing.
2. Cross Street: Way from river to sound; west of Schuman property, 40 feet wide.
3. Town land: Way from river to Sound Long Beach; east of Dever property, 50 feet wide.
4. Coddington Road: Landing on Cent. River, about 200 feet on river.
5. Wequaquet Lake: Town beach, Shootflying Hill Road.
6. Town Beach: Long Pond-Cent. Highway Road; entrance at Elliott property.

PRECINCT NO. 5

1. East Bay Road: Landing, adjacent Shafroth, 110 feet wide.
2. Douse's Beach: East Bay Road.
3. Wianno Avenue: Road to water, 60 feet wide.
4. Seaview Avenue: Road to water, 40 feet wide.
5. Bridge Street: Landing, 110 feet wide at road.
6. West Bay Road: Road to water, 40 feet on Town's bulkhead.
7. Bay Street: Road to water, 30 feet wide.
8. Joshua's Pond: Town Beach.

PRECINCT NO. 6

1. Prince Avenue: Landing, 100 feet wide.
2. Shubael Pond: Town way, Town Road to water.
3. Mystic Lake: Race Lane, road along water.
4. Hamblin's Pond: Landing.
5. Round Pond: Town land.

PRECINCT NO. 7

1. Cordwood Road: Landing, next Wadsworth, near McLeod's, about 100 feet on water.
2. Little River Road: Landing, near Oyster Co., about 50 feet on bay.
3. Hooper's Landing: Town beach, about 150 feet on bay.
4. Town wharf: Oyster Place Road.
5. Cross Street: Landing, between Whitcomb and Riley.
6. Loop Beach: Oceanview Avenue.
7. Rushy Marsh Road: Way to water, about 33 feet wide.
8. Lovell's Pond: Town beach.

STATEMENT OF DONALD W. NICHOLSON, FORMER REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MASSACHUSETTS

My name is Donald W. Nicholson. I appear in opposition to several bills which have been filed for the purpose of establishing a Cape Cod National Seashore Park under the National Park Service of the Department of the Interior and of Insular Affairs. This project would have a very serious effect upon the assessed valuations and tax rates of six Massachusetts towns, which I formerly represented as Representative from the Ninth Massachusetts Congressional District.

What I hope to accomplish by coming before your committee is to obtain for the people of Cape Cod, and of these six towns in particular, an extension of time for proper consideration of the effect of this proposal. A great many people who live on the cape and who own valuable property there would like first the opportunity of finding out just how they and their investment will benefit if the Federal Government moves in on the jurisdiction of our State.

Frankly, unless this opportunity is given—unless all doubts of constitutionality are first resolved—I foresee a great amount of litigation. This will not be

a good thing for the U.S. Government, nor for Massachusetts, since it will keep the issue in controversy for a long time and hold the future of Cape Cod as a recreation center in suspense.

I understand, Mr. Chairman, that the proposal dealt with in Senate bill 2636, filed by our two Senators and by Representative Keith of the Ninth District, is different from others of the Interior Department, seeking to establish Federal jurisdiction over beach lands in other States. Only in Massachusetts does the Department propose to take residential and other privately owned property. Much of this property has been held in continuous private ownership for more than 300 years. It comprises, for the most part, sound, well-maintained properties of a type identified everywhere as belonging to Cape Cod. If the Government of the United States is permitted to assert rights in such property prior to those of the Commonwealth of Massachusetts and of people who have paid their taxes for three centuries, it ought not to be allowed to do so upon any basis other than of equitable valuation and of just compensation.

I do not mistake the case when I tell you that a heavy majority of Cape Cod people want no part of these bills. I cannot explain the attitude of our Massachusetts Representatives in Congress, who have identified themselves with the Interior Department, except to say that they cannot have made themselves fully acquainted with all of the facts.

Our opposition to this invasion of State sovereignty would be more articulate if we had been given a full opportunity to go into this situation and to evaluate its impact. Some of our people are bewildered by the manner in which this move has been undertaken. There was no effort on the part of the sponsoring Department to first ascertain the popular will. As one who has lived in the atmosphere of Washington, where bureaucracy so frequently oversteps the rights of citizenship, this does not surprise me. However, I still have faith in the fundamental decency of Congress and in its desire to preserve our constitutional rights.

In order to clear up a number of questions raised by these bills, I ask that you recommend no action be taken on them at the present session. This will give the people most affected—the residents and taxpayers of the towns of Chatham, Eastham, Orleans, Provincetown, Truro, and Wellfleet a chance to find out what we are buying. It will give you gentlemen of the Congress an opportunity to learn whether there is any right in the Government of the United States to assert jurisdiction over that of a State in the important constitutional area of property and whether, without State concurrence, such an assertion by the Federal Government is not a taking without due process of law or an incursion into a field reserved by the constitution to the States.

In addition to myself, I represent a group of Cape Cod residents, property owners and business proprietors who adopted a resolution at Barnstable, Mass., on April 19—the anniversary of the Battle of Lexington—expressing their opposition to Senate Bill 2636 in uncompromising terms.

It is their contention, and mine, that no advantage whatever will accrue to Cape Cod by conversion of 30,000 acres of beachland to a National Seashore Park. It is our contention that such a reservation is not properly defined as a "park" in the first place. My idea of a park is a rustic area, usually wooded, sometimes enclosed for protection. We have such places already in Massachusetts under State jurisdiction. A beach or a seaside area, inhabited for centuries by settlers from abroad and their descendants, full of cultural progress and with a distinct architectural character of its own, to which thousands of seasonal visitors are attracted every year, is not my idea of a developmental site for a national park. Most of the people who live in the six towns I have mentioned thoroughly agree with this viewpoint.

Here there is involved a total in municipal assessed valuations of nearly \$30 million. This is a conservative figure due, as I know you are aware, of the tendency of assessing authorities to keep the overall tax base as low as possible. It would seriously react against the interests of those whose property is taken, however, since these figures would be the basis of negotiations for compensation with the Secretary of the Interior Department.

Instances already have come to attention in which owners of property thus taken have had to resort to law in order to obtain a square deal from the Government. Since the bills before you give the Secretary an unlimited right to set reimbursements, I have no doubt that practically everyone will appeal, with the result that court cases arising therefrom will clog the dockets for years.

There is no showing here that what the Interior Department purposes to do has any basis in public convenience and necessity, normally a prerequisite to

special action by Congress in such premises. Even Massachusetts, or any State, is required to justify its taking in this way.

It should be thoroughly understood that much of the land in question is undeveloped land dedicated under the original royal charter of the Massachusetts Bay Colony. This is an important status point because there is a strong possibility that this dedication precludes any such as is here proposed, whether by the Commonwealth or by the Federal Government.

It should be further understood before any action is taken that there is no provision in this pending legislation for payment by the United States to the six municipalities involved of any amounts in lieu of taxes. The importance of this point is emphasized by the fact that millions will be lost to the municipalities by emancipation from local taxation of the lands taken by the Interior Department.

Where would you have us look then, Mr. Chairman, to replace the lost levies? These towns will still have to provide full services to the area, including fire and police protection, but they will have to do it on severely curtailed budgets. Under our Massachusetts practice, the burden of this loss will fall upon all of the people of Barnstable County, which will have to make good the deficiencies from county revenues. This, of course, violates every principle of fairness, particularly considering that there is no corresponding benefit to our own people from the invasion of county territory by the Interior Department.

People have a right to expect something in return for payment of taxes. What is the Federal Government going to give our people in return for the taking of these 30,000 acres? Nothing has been said about that. Nothing has been said of the economic truth that every piece of property has to be taxed upon an equitable basis with respect to comparable other property. This very principle was reasserted by the Massachusetts Supreme Judicial Court less than a month ago in an opinion of the justices requested by our legislature.

The Province Lands, which I have mentioned as coexisting with the government of Massachusetts from the earliest times, comprise altogether about 25,000 acres. Nothing is contained in the proposal before your committee, Mr. Chairman, to show that the Federal Government intends to improve these lands. We, ourselves, could not undertake such improvement without specific approval of the Massachusetts Legislature of condemnation, or eminent domain, proceedings. How are you going to authorize a taking for the purposes of this bill without violating the very essence of State sovereignty in a field without constitutional precedent, giving the Federal Government such a right?

A great many of the people with whom I have discussed this matter are against the proposal because they consider it gives the Federal Government too much power. They see no proper reason why the State should surrender to the Department of the Interior the power to do things it might well do for itself—or leave undone in cases in which—like the present—there is strong public opposition. They are aroused by provisions of the legislation here being considered which make the Interior Secretary the sole authority over this domain, gives him an absolute right to pass upon questions involving commercial use of the land, reduces the acreage to vassal status, yet leaves the people of Cape Cod responsible for fire and police protection and other necessary services.

I do not intend to go into these phases of the situation here. Some of them cannot properly be considered until we know more about what is involved by these bills. I make the point to let you gentlemen know that this whole matter involves the preservation of one of the liberties for which the government of Massachusetts was established—the right of free citizens to regulate and to administer their local affairs—the cherished right of home rule, when not in conflict with the rights of others within the purview of the Federal Union.

I respectfully request that until we know how much the towns on Cape Cod stand to lose under this legislation, how seriously it will affect the adjacent property not included in the terms of the proposed taking, and many other unresolved questions relating to the proposal, this committee report in favor of holding the subject in abeyance, at least during the present session. I am sure that those of us whose views I have stated here will be satisfied with such a postponement of consideration and that all of us, in such case, will be able to pass upon the merits with greater intelligence and consideration.

Senator Moss. We now have two witnesses left so we will have to divide the time, about 6 minutes apiece, maximum. Mr. George L. Cross. Is Mr. Cross here?

Mr. Cook. I filed his statement, sir.

Senator Moss. Mr. David Martin.
Mr. Martin?

**STATEMENT OF DAVID B. H. MARTIN, FORMER LEGISLATIVE
ASSISTANT TO SENATOR SALTONSTALL**

Mr. MARTIN. Mr. Chairman, my name is David B. H. Martin. I served as legislative assistant to Senator Saltonstall throughout the 1st session of the 86th Congress during which I participated together with representatives of Senator Kennedy and with Congressman Keith in a great deal of study and work which went into the preparation of H.R. 9050 and S. 2636. I came to the hearing on the House side this morning and this hearing as sort of an alumnus of the effort, really just to hear how the proposal was faring before the two committees.

However, I could not refrain from a sense of having to say something to your subcommittee in that one of the preceding witnesses, the distinguished chairman of the Board of Selectmen of the town of Wellfleet, has sought in his testimony before you, and as he did in his testimony before the House subcommittee this morning, to create the impression that in the past year or so since the proposal to establish a national seashore on Cape Cod was first announced by the National Park Service that there has been some failure or unwillingness on the part of Government officials to meet with him and other persons, including public officials in the lower cape towns, to discuss the seashore proposal.

I think it would be unfortunate for this impression to appear in the record of these hearings without correction. The fact is that since the time of the first announcement of the national seashore proposal over a year ago there have been repeated meetings and communications with Chairman Frazier and many other town officials and citizens on the lower cape.

Chairman Snow of the Provincetown Board of Selectmen alluded to such frequent meetings in his testimony this morning before the House committee and Mr. Hurd of the Eastham Board of Selectmen also mentioned these frequent meetings in his testimony earlier before you. Of my own knowledge I can say that there have been not less than a dozen meetings and discussions in which officials of the towns, many including Chairman Frazier, participated, at which there were present representatives of the National Park Service, of Senator Saltonstall, of Senator Kennedy, and Congressman Keith.

In addition there has been, as you would well expect, a very substantial volume of correspondence exchanged between public officials and private citizens on Cape Cod and officials in both the legislative and executive branches of the Federal Government. I think it is quite understandable that there should be differences of opinion regarding a proposal as significant and far-reaching as the proposal to create a national seashore park on lower Cape Cod and there certainly have been many differences of opinion expressed.

It would be quite erroneous, however, for your subcommittee to gain the impression that the efforts on behalf of this legislation by Congressman Keith, by Senator Saltonstall, and by Senator Kennedy, or by the National Park Service, have been undertaken and conducted

in disregard of the opinions and desires for discussion of citizens of Cape Cod, both private persons and public officials.

Reverse is the case and I think your subcommittee should know this as a matter of record.

Senator Moss. Thank you, Mr. Martin.

We have statements that have been filed by Mr. Allen Morgan, executive vice president of the Massachusetts Audubon Society of Lincoln, Mass., which will be part of the record; a statement presented by Louis S. Clapper, acting conservation director for the National Wildlife Federation; a statement by Charles H. Callison, assistant to the president, the National Audubon Society, which will be part of the record; a statement by Chester A. Crocker of Marstons Mills, Mass., to which is attached a resolution by the town of Barnstable; also a statement from Kenneth Turner of Cotuit, Mass., that will be part of the record, and also a statement from Arthur Maass, professor of government, will be included.

(The statements referred to follow:)

STATEMENT OF ALLEN H. MORGAN, EXECUTIVE VICE PRESIDENT,
MASSACHUSETTS AUDUBON SOCIETY

I am Allen M. Morgan, executive vice president, Massachusetts Audubon Society, Lincoln, Mass.

There are many aesthetic, cultural, and economic reasons for the creation of this proposed park, but we will restrict our testimony to our own particular field of interest and knowledge—wildlife conservation, trusting that many other people will testify favorably relative to these many other aspects.

This park is vital to the future of the cape—if future generations are to enjoy its beauty, and if major segments of its wildlife populations are to survive. The Massachusetts Audubon Society as an organization, and an overwhelming proportion of its 6,500 members as individuals are emphatically and enthusiastically in favor of the park for these important reasons.

Further, we wish to emphasize strongly as a prerequisite to all of our remarks below relative to wildlife, that these same “wildlife values” are primarily human values as well. Wildlife is a tangible natural resource, and of profound importance and influence on a continually increasing percentage of our population.

As to the exact provisions of the park bill, I am not qualified, and do not propose to comment; but I do wish to suggest that from the conservation point of view, it would be well to keep the control of Monomoy (and the protection of wildlife there) on essentially the same basis as has been recently exercised by the Fish and Wildlife Service. In this connection it should be added that, from this point of view, it seems to me that Morris Island and Stage Island are essentially integral parts of the Monomoy wildlife habitat.

Our birds, mammals, reptiles, fish, trees, flowers, and insects—all wildlife—are entirely dependent upon favorable habitat for survival. The outer cape is particularly outstanding in the variety of habitats favorable to wildlife. For birds it is one of the most famous concentration points in all the United States. The extensive salt marshes, mudflats, and beaches are vital resting and feeding areas for huge numbers of shore birds flying from the high Arctic regions where they have raised their young, to South America. After a nonstop flight from the Arctic, they rest and feed on Cape Cod; then they again fly nonstop southeast directly to the coast of South America. Most varieties of our shore birds have increased dramatically over the last 50 years, after having been decimated by market hunting; but a few species are still rare, and only within the last 10 years have they shown signs of finally making a real comeback. These gains will be irretrievably lost if we do not see to it that our coastal marshes, flats, and beaches remain. Birds adapt remarkably to the presence of man if given a chance, but they must have the terrain to which they are adapted if they are to survive.

These same cape marshes, beaches, flats, ponds, and the shoals offshore—the ocean itself—harbor astronomical numbers of waterfowl. Hundreds of thousands of eiders and scoters which occur in this area during migration and in the winter

months represent one of the greatest concentrations of waterfowl anywhere on the Atlantic coast. It is impossible to draw a line at the specific spot, or designate the given day at which human exploitation of the countryside begins to destroy these wildlife values. But destroy them it does, gradually and in subtle ways, almost from the outset. Unquestionably any intensive development of the outer beach will affect adversely the offshore ducks, even though their main feeding grounds may be several miles offshore. Our knowledge of life in the sea is still so meager that we cannot yet categorically say what the effect will be on ducks, of shore changes, nor how the food chains of the shallow waters are affected. We do know that these rafts of ducks are directly dependent on these food chains.

Studies now being carried on by the Massachusetts Audubon Society, in cooperation with the U.S. Air Force and the Mitre Corp., using radar installations at Truro and Texas Towers II and III, indicate that migrating land and shore birds pass over Cape Cod by the millions on nights of favorable weather conditions. For this reason the natural migratory "traps"—the resting and feeding areas at the edge of the sea—are particularly important as an emergency stopover spot for land birds carried out to sea on migration. Morris Island, acre for acre, is the most important emergency land bird habitat on the entire New England coast, and one of the top two or three most important on the entire Atlantic seaboard. The thickets of Monomoy are of similar value, while for shore birds and waterfowl all Monomoy is of paramount importance. As alluded to earlier, these birds in their habitat on Cape Cod are of particular value because of their relative accessibility to the many people who wish to enjoy them.

It is obvious that from an aesthetic and monetary point of view, an undeveloped Morris-Stage Island is of inestimable value to the town of Chatham. From a land bird conservation standpoint it is priceless.

In summary: the outer beaches, shoal waters, tidal flats, marshes, and natural land bird migration "traps" represent a vitally important wildlife resource which should be preserved in a natural state, not only for the survival of wildlife, but also for the aesthetic enjoyment of present and future human generations. Of particular and outstanding value are: the marshes and flats of the Wellfleet Harbor area on the west, Nauset Point, inlet and harbor, and North Beach on the east; and Morris Island, Stage Island, and Monomoy on the south.

In addition, Mr. Chairman, I wish to submit two amendments to the revised version of S. 2636 which you have before you. These amendments have been cleared with the sponsors of the bill and with the Park Service. They would merely include the Massachusetts Audubon Society's Wellfleet Bay sanctuary within the boundaries of the proposed Cape Cod National Seashore Park.

Thank you very much.

AMENDMENTS TO S. 2636

On page 9, between lines 14 and 15, insert the following:

"Also included in such area are lands and waters located in the town of Wellfleet and more particularly described as follows:

"A parcel of land in Wellfleet bounded westerly by the low water line of Wellfleet Harbor; southerly by the boundary between the Towns of Wellfleet and Eastham; westerly again and southerly again by said boundary where it follows Hatch's Creek; easterly by a line running true south to Hatch's Creek from a southerly corner of land shown as owned by Oliver L. Austin and contiguous to land of Joseph M. Dill and Everett S. Osterbank, on Plan of Land in Wellfleet by Arthur L. Sparrow Engineer, September 1931, filed in the Massachusetts Land Registration Office August 25, 1933, about 300 feet; southeasterly by said Osterbank land shown on said Plan, 816.35 feet; southerly by said Osterbank land, about 1,740 feet, and by a town road or way shown on said Plan as running from the road crossing at the northeast corner of said Osterbank land easterly to the State Highway, about 600 feet; easterly by said State Highway, about 4,200 feet; northerly by land shown on said Plan as land of Leonard B. Dill, 118.78 feet; westerly by said Dill land 179.59 feet; northerly by said Dill land, 1,273.62 feet; easterly and northerly by a salt creek shown on said Plan as 'Brook'; northerly and westerly by the water course shown on said Plan as 'The Run'; northerly by a line running from the confluence of The Run with Wellfleet Harbor to the low water line of said Harbor."

On page 28, between lines 3 and 4, insert the following new subsection:

"(e) The Secretary may enter into cooperative agreements with nonprofit organizations owning and operating property within the park for conservation,

scientific or educational purposes, under which such organizations may be permitted to retain and operate all their property within the park subject to conditions approved by the Secretary as insuring that such operations will be consistent with and will promote the purposes of this Act."

STATEMENT OF LOUIS S. CLAPPER, ACTING CONSERVATION DIRECTOR, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I represent the National Wildlife Federation, an organization composed of affiliates in 49 States and the District of Columbia. These affiliates are made up of more than 2 million individual sportsmen-conservationists.

Our people are quite concerned about the establishment of shoreline recreation areas. In fact, the National Wildlife Federation, in annual convention earlier this year, adopted the following resolution:

"Whereas shoreline areas bordering such water areas as the Atlantic and Pacific Oceans, the Gulf of Mexico, Great Lakes and many river systems offer invaluable recreational opportunities; and,

"Whereas suitable shoreline recreational locations are fast dwindling in number due to private development, including industrial; and,

"Whereas outdoor recreational needs are continually mounting as the population increases: Now, therefore, be it

"Resolved, The National Wildlife Federation endorses the principle of establishing national shoreline recreation areas for public use and petitions the 86th Congress to give early consideration to establishing such areas at Padre Island in Texas, Cape Cod in Massachusetts, in the Oregon Dunes of Oregon, Point Reyes in California and in other suitable places; and be it further

"Resolved, That legislation establishing such areas and regulations promulgated concerning them by the administering departments should recognize and provide for public hunting and fishing where feasible, and in cooperation with the State game and fish agency, as one of the appropriate forms of recreation."

Mr. Chairman, we have been in close contact with personnel of our affiliate in Massachusetts and representatives of State resource agencies there with relation to the Cape Cod National Seashore Park proposal. They have assured us that details of S. 2636 apparently have been worked out in field hearings and other meetings to the mutual satisfaction of everyone concerned. For this we are grateful.

In summation, the National Wildlife Federation would stress the need for prompt action on S. 2636. It is our hope that the committee may see fit to render a favorable report on the measure at the earliest possible time and to expedite consideration on the floor. We are sure the committee is aware that hearings on a companion bill have been scheduled for tomorrow by the House Committee on Interior and Insular Affairs.

Thank you, Mr. Chairman, for the opportunity of presenting this statement before the committee.

STATEMENT OF CHARLES H. CALLISON, ASSISTANT TO THE PRESIDENT,
NATIONAL AUDUBON SOCIETY

The National Audubon Society wishes to be recorded as endorsing and subscribing to the statement presented by the Massachusetts Audubon Society in support of this legislation.

We are firmly convinced that establishment of the proposed Cape Cod National Seashore Park would be an action in the broad public interest, and one by which this Congress can win the gratitude of countless Americans yet unborn. An unspoiled reach of natural shoreline is a rarity now; the value of such areas preserved now for public use will increase vastly as the human population continues to grow.

While our society recommends early action on other areas proposed as national shoreline parks or recreation areas—Padre Island, Oregon Dunes, Point Keyes, and others—there are good reasons why it would be appropriate for Cape Cod to head the list. The proximity of great urban areas with all their people that would use and enjoy the park is one of the reasons.

We know the members of the National Audubon Society, and those of our branches and affiliates, in all the 50 States will applaud the enactment of this

legislation as a major conservation achievement of the 86th Congress. We urge a prompt and favorable report by the committee.

MARSTONS MILLS, MASS., June 14, 1960.

HON. JAMES E. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

MR. CHAIRMAN AND MEMBERS OF YOUR COMMITTEE: My advanced age prevents me from attending your hearing June 20 on Senate bill 2636, but I wish to be recorded as opposed to this bill or any amended version of it whatsoever.

If this bill should be enacted into law, an awful injustice will be inflicted on a tiny and defenseless segment of the American people.

How our two Senators and our local Representative could have made such a grave mistake as to sponsor this proposition is beyond my comprehension, and I am sure of the vast majority of the inhabitants of Cape Cod as well. Your committee should consider long and very carefully before you report on this bill.

Before Congress votes to clothe the Secretary of the Interior or any other arm of the executive branch, with power to seize private property for public use, it should be required to prove beyond a reasonable doubt that public necessity and convenience requires it.

This is a question of fact which most any layman knows is the foundation upon which rests this fundamental law.

I maintain that the proponents have fallen far short of proving that either "public convenience or necessity" require a seashore park to be established at this particular location—Cape Cod.

Mr. Chairman, and gentlemen, a fundamental principle of American liberty is involved here at your very door.

Very truly yours,

CHESTER A. CROCKER.

BARNSTABLE TOWN HALL,
Hyannis, Mass.

Resolution adopted April 19, 1960

Whereas our Representative in Congress, Hastings Keith, and Senators Leverett Saltonstall and John F. Kennedy have sponsored a bill in Congress (S. 2636) proposing, through the medium of the National Park Service of the U.S. Department of Interior and Insular Affairs, to establish a National Seashore Park on Cape Cod, and, although we believe our elected Representatives in Congress have acted in good faith, we nevertheless, are firmly convinced they have made a grave mistake. It is evident that beyond all doubt they have been misled and deceived as to the true facts concerning this proposal, by certain personnel connected with the National Park Service who through unbounded enthusiasm, uncurbed exuberance, and superficial reasoning backed up by scholarly writers have presented what appears to be a plausible case; but if the bill should be enacted into law, it would be sure to defeat its own purpose. And, whereas we, the undersigned citizens of Cape Cod, being fully aware that a vast majority of our people recognize the danger to themselves and posterity and feel great apprehension and real grief; we hereby firmly

Resolve, To do all in our power to prevent the passage of this proposed law by going to Washington (all who can afford to) and under the leadership of our former Representative Donald W. Nicholson appearing before the several committees before which the bills must be heard.

And, we further resolve and pledge ourselves to urge others to also go to Washington.

And further we pledge ourselves to urge upon all people, resident and non-resident alike, to write at once to Wayne N. Aspinall, chairman of House Committee on Interior and Insular Affairs, House of Representatives, and to Representative Keith and Senators Kennedy and Saltonstall, Washington, D.C., protesting the passage of this act in its entirety without any amendments or modifications whatsoever. This is very important.

Be it further resolved, That a copy of this resolution be filed in the Barnstable archives as an unofficial record in the town clerk's office in order that posterity may know that we, now living, did not surrender their birthright without a struggle.

SIGNERS

Chester A. Crocker, selectman and assessor, 1929-50.
 Nathan Ellis, surveyor of highways, town of Falmouth.
 Donald W. Nicholson, former selectman of Wareham, Mass.; house of representatives; president, Massachusetts Senate, and Representative in Congress.
 George L. Cross, selectman and assessor, town of Barnstable.
 William R. Crump, former selectman, town of Bourne.
 Edwin F. Eldredge, former selectman, town of Chatham.
 Kenneth Turner, master plumber and civic leader of Cotuit.
 Edward E. Millikin, chairman, conservation committee, town of Eastham.
 Walcott Ames, president, Barnstable County National Bank.
 Maurice A. Moore, member, planning board and Republican Town Committee, town of Eastham.
 Leonard C. Pierce, selectman and assessor, town of Wellfleet.
 Charles E. Frazer, Jr., selectman, assessor, and attorney, town of Wellfleet.
 Prescott B. Cummings, planning board chairman, Town of Eastham.
 William B. Fleming, town of Wellfleet.
 Cyril W. Downs, president, Wellfleet Savings Bank.
 Antone Duarte, Jr., former selectman, town of Truro.
 Elwood O. Mills, selectman and deputy sheriff, town of Mashpee.
 Frank C. Ryder, cashier, first National Bank of Yarmouth.
 Lawrence F. Crocker, finance committee chairman, town of Brewster.
 Allen F. Jones, Barnstable legislator.
 Channing E. Hoxie, town clerk, treasurer, and tax collector, town of Sandwich.
 Joseph F. Bazzinotti, former selectman, Sandwich.
 Walter B. Chase, former president, Hyannis Trust Co.
 James F. Pendergast, Hyannis Inn., Hyannis, Mass.
 Charles L. Hamblin, former contractor and builder, Lantana, Fla.
 Gilbert F. Smith, selectman, Sandwich, Mass.
 Carl H. Hiler, clerk, board of selectmen, Sandwich, Mass.
 Alvan H. Crocker, general contractor, Sandwich, Mass.
 Norman E. Williams, plumbing and heating contractor, Falmouth, Mass.
 John P. Sylvia, Jr., attorney at law, Falmouth, Mass.
 Harold L. Baker, chief of police, Falmouth, Mass.
 Ann B. Richardson, Elm Arch Inn, Falmouth, Mass.
 Hoyt L. Savery, auto dealer, Falmouth, Mass.
 Roger L. Savery, auto dealer, Falmouth, Mass.
 Fredrick W. Wormelle, Jr., president, Falmouth Marine Railway, Inc.
 Hilding S. Hord, Race Lane, Marston Mills.
 Wilton B. Crosby, president, Crosby Yacht Building & Storage Co., Inc.
 Chester A. Crosby, harbor master, town of Barnstable.
 Victor F. Adams, chairman, board of selectmen, Barnstable.
 Howard W. Sears, town clerk and treasurer, Barnstable.
 Harry A. Jenkins, general manager, Oyster Harbors, Barnstable.
 Clarence M. Chase, former town clerk and treasurer (37 years), Barnstable.
 Gerard C. Besse, president, Hyannis Trust Co.
 Henry L. Murphy, judge, First District Court of Barnstable (Centerville).
 Artemas G. Griffin, mason contractor, Marstons Mills, Mass.
 Charles N. Libby, farm bureau agent, Cape Cod.
 Hyman Burman, merchant, Barnstable, Mass.
 Henry A. Ellis, attorney at law, member of General Court 8 years, town moderator 21 years, Hyannis, Mass.
 E. Thomas Murphy, selectman and assessor, town of Barnstable.
 Dr. Madaline Winslow, Truro, Mass.
 George W. Foster, selectman and assessor, town of Brewster.
 Lawrence A. Baker, chairman of selectmen, town of Brewster.
 Fred H. Nash, chairman of public welfare and selectman, Brewster.

JAMES E. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIR: It has been my intention to attend the hearings in Washington on the proposed national seashore park, Senate bill No. 2636. However, circumstances are now such that I shall probably not be able to do so, and I therefore

request that you kindly allow me to express my opposition to this bill and would like to be so recorded.

I believe that the area involved in the park proposal for Cape Cod does not include the attributes that should be included in such an expansive program. Furthermore, such an extensive plan in such a limited section would promote problems faster than they could be assimilated by the lower cape towns, as well as the rest of the cape.

There seems to be mutual agreement among both the proponents and the opponents of this measure that it will cause a great upheaval in the economy and, if the forecasts are correct, a severe impact upon the general character of those towns most immediately affected. The plan would certainly upset the homes of approximately 900 families which in itself is a major calamity. The studies of the economic effects would seem to indicate definitely that the detriments would far outweigh the benefits insofar as the cape itself is concerned.

Enclosed herewith is a copy of a letter that has been sent to Congressman Hastings Keith which I hope you will have time to read as it presents some of the reasons why so many of us who are lifelong residents feel that this plan is an unwarranted demand and that it is not a fair development to impose on the inoffensive citizens of Cape Cod.

I trust that your committee will recognize the many critical problems and the far-reaching results that must come about with the establishment of the proposed park, and that you agree that this measure does require much further consideration before it is ever enacted into law.

Sincerely yours,

KENNETH TURNER.

COTUIT, MASS., June 17, 1960.

HON. HASTINGS KEITH,
House of Representatives, Washington, D.C.

DEAR SIR: It was a pleasure to meet you last Sunday at the Barnstable town office building on the issue of the proposed national seashore park, Senate bill No. 2636. Regrettably you were much pressed for time and it was not possible for you to answer many of the important questions that might have been asked regarding your views on this matter.

On Saturday, June 11, in the Cape Cod Standard Times you were urging "cautions on haste"; you were quoted as saying "the too many imponderables cannot be resolved in the best interests of the cape and the Nation before Congress adjourns"; you quoted that Mr. Wayne N. Aspinall, the chairman of the House committee, said that there isn't time to consider the "complicated factors involved" at this session; and you stated that the decision on the park proposal was one that the cape and the country must live with for generations. All of these statements are very true, and you were to be congratulated on recognizing the complexities and the seriousness of this problem and on your resultant admonition for caution. You have indicated also that your stand on this issue was not irrevocable.

However, 1 day later on Sunday afternoon at the Barnstable town office, immediately following your interview with the down-cape officials (who are surely respected men of good judgment) you appeared to be satisfied that the many "complicated factors" and "imponderables" and "innumerable details" had been solved and that, by the meeting of a mere handful of men in a few hours on the Sabbath, a "unanimity" of approval of all concerned had been achieved. So much so that you were moved to pledge your unstinted efforts toward quick passage of this bill—with certain modifications, to be sure.

I would like to call to your attention some of what appear to be inconsistencies and conflicting versions that have been offered to date by the proponents of this plan. In the first place great stress was placed upon the recreational features which indicated future camping-out areas adjacent to vast stretches of shore-front. It is to be assumed necessarily that these recreational features would include vast safe bathing areas, and safe boat launching facilities and safe boating. In regard to any and all of these several features there are considerable doubts of their accomplishments on a large scale in this area. In any case you have stated that you would deemphasize these original free recreational considerations (which have perhaps in a large measure accounted for many of the favorable communications to you on this subject) thereby minimizing the economic features, because you have elected to regard this as a "conservation measure to preserve the natural attractiveness of this section for posterity." However, is not an essential premise of your proposed amendment of a "3 year in

lieu of taxes" clause based upon the anticipated revenue from vacationists within the towns immediately involved in this proposal? Landmarks do have great historical value, but they are worthless in comparison to the preservation of independence.

Your bill in its new concepts still involves the inclusion of about 32,000 acres of land and the confiscation of the homes of 900 citizens, plus affecting perhaps 3,000 more members of their families. A 25-year occupancy, or life tenancy, which could be but for a day, are scant compensations for the uprooting of homes and their associations, particularly when such occupancy is tolerated only upon conditions that certain zoning laws are adopted and continued by the towns affected, which laws must satisfy the Secretary of the Interior (or anybody else). Would you yield your own home graciously to the pressures that you have referred to from those of the hinterlands and the urban areas, who are suddenly turned "out-of-door-minded," for a 25-year occupancy? You have answered "No" to this question.

However much the facts are diluted by fictitious economic allurements, by esthetic oratory, or by veiled implications of a worse disaster, the fact remains that finally the bill must accomplish its ends through the indelicate mechanisms of eminent domain.

One of your cosponsors of this bill, Senator Saltonstall, has emphasized the inability of the Cape Codders to cope with the prospective influx of people to this area, park or no park. He has referred not too complimentarily to the municipal authority entrusted to our local officials and to the "varying inclinations" of the citizens. In essence, he seems to advocate more centralized authority vested in the Federal Government to protect us, whether or not we desire such protection. Would he similarly advocate that the Federal Government step in to solve the troubles connected with the Nantucket Steamboat Authority, the Falmouth Airport, and the nuclear park? There is some doubt as to whether or not any of the present cosponsors of this bill, if left to his own devices, would have originated this park-sanctuary because of concern about biological, physiological, geographical and historical considerations. We have able officials and competent citizens on Cape Cod who have proved themselves qualified to manage our affairs, and who are working successfully on a local level to preserve our natural resources.

The reports of two economic advisory associations, Blair Associates and Economic Development Associates, Inc., if fairly analyzed, forecast a most serious impact on our economy and manner of living and the general character of Cape Cod, if this bill is enacted. It would be impossible to elaborate further in this letter on the manifold problems that the park would create pertaining to traffic congestion, crime increases, welfare, sanitation, refuse disposal, access ways, our tax rate, and innumerable other factors for which no solutions are provided in the bill.

Do you actually feel sure, in accordance with your statement last Sunday, that if any one of the most closely affected townships should assert its veto power of any public land-taking as defined in your final bill, it would nullify the park program? If this is so, I believe the park proposal is doomed to defeat with no further action.

I trust you will agree that once the rights to these properties of the individuals and the towns within the park diagram are yielded, these rights will be gone forever.

You have a solemn obligation to observe your own admonition for caution, and I believe to abandon your support of this program in its entirety.

Sincerely yours,

KENNETH TURNER.

HARVARD UNIVERSITY,
GRADUATE SCHOOL OF PUBLIC ADMINISTRATION,
Cambridge, Mass., June 20, 1960.

Senator JOSEPH O'MAHONEY,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR O'MAHONEY: I refer to my letter of November 25, 1959, to Senators Kennedy and Saltonstall, published at page 234 of the Senate subcommittee hearings at Eastham on the Cape Cod National Seashore Park.

I continue to be deeply interested in the Kennedy-Saltonstall bill and hope very much that this Congress will pass it. The timing of Congress' action is critical in this matter. First, as you know, the cape is being developed rapidly. Each month brings new construction in those areas which it is proposed to pre-

serve, and each month, therefore, raises the ultimate cost to the Government of the park and reduces its utility and attractiveness as a national park. Second, if I sense the situation correctly, citizens on the cape are prepared for passage of the legislation at this time. If, however, the 86th Congress were to put this matter over, the result might well be to make passage in the future more difficult, due to disillusionment resulting from failure of expectations on the part of supporters on the cape, and to consolidation of opposition by a vocal minority of cape residents.

With three exceptions noted below, the Kennedy-Saltonstall bill represents a very sensitive and careful adaptation of the general principles of national park legislation to the very special conditions which prevail on Cape Cod. The Massachusetts Senators and their staffs are to be congratulated. The exceptions are as follows:

(1) Transfer of rights of use: When the Federal Government undertakes an authorized activity, it is almost universally true that it is free to exercise the right of eminent domain to acquire property for this purpose. The Cape Cod Park bill, however, strictly limits the condemnation authority of the Secretary of the Interior by providing that owners of noncommercial residential property may elect to retain the right of use over their property for a term of 25 years or less. As I understand it, the reason for this provision is to prevent disruption of the way of life of those who are settled on the cape today; and this seems to me a very satisfactory provision in the light of local circumstances. However, section 4(a)(6) (p. 15, lines 7 to 10) of S. 2636 (committee print dated June 11, 1960) provides that these rights may be freely transferred; and this implies a different and commercial, possibly speculative, purpose for restricting the authority of the Secretary of the Interior to take land by eminent domain. This latter purpose I cannot approve. To recapitulate, limiting the authority of the Government to take property by eminent domain is unusual. Such limitation would appear justified to protect the way of life of Cape Cod residents who have developed residential property in anticipation of living out the better part of their lives thereon. Such limitation is not justified, however, if its purpose is to allow these owners to sell their rights and property and presumably to profit thereby. Furthermore, by providing for transfer of rights, the bill will in effect make it very difficult for the Government to acquire any residential property in less than a quarter century. I recommend, therefore that section 4(a)(6) be eliminated from the bill and that the staff of your committee review very carefully sections 4(a)(2) to 4(a)(5) to eliminate any language that might be inconsistent with the action proposed.

(2) Limiting public use areas: Section 8(b)(2) (p. 26, line 22 to p. 27, line 4) of S. 2636 (committee print dated June 11, 1960) provides that in developing the park the Secretary of the Interior shall provide public use areas in such places as he determines will not diminish for its owners or occupants the value or enjoyment of the property located within the park. This is, indeed, a most unusual requirement. It provides, in effect, that development of public property for public use shall be limited by private interests. I recommend that this provision be stricken from the bill.

(3) The bill as drafted does not provide special authority for the Secretary of the Interior to condemn property for purposes of administering the park. This would appear to be necessary because of the elaborate provisions restricting the Secretary's authority to condemn. Where areas are needed for administrative purposes, the restrictions on condemnation certainly should not be effective.

By elaborating these three reservations I hope I do not give the impression of any lack of enthusiasm for the Cape Cod bill. As I said above, it is a remarkably fine piece of legislation which deserves well of your committee and of the Congress.

Sincerely yours,

ARTHUR MAASS, *Professor of Government.*

Senator Moss. We also have a number of communications sent down by Senator Kennedy's office, newspaper articles that have been printed in various newspapers in Massachusetts, and a telegram signed by a large number of individuals who say they are property owners and taxpayers of Cape Code. All of these documents will be included in the record of the hearing at some appropriate place.¹

¹ The communications referred to appear in the appendix to this hearing record.

I have a statement that has been prepared by James F. Shurtleff of the Economic Development Association, Inc., of Boston, Mass., which is the organization which conducted the economic study on the Cape Cod National Seashore Park. This will be part of the record of hearing at this point.

(The statement referred to follows:)

STATEMENT OF JAMES F. SHURTLEFF, ECONOMIC DEVELOPMENT ASSOCIATION, INC.,
BOSTON, MASS.

Mr. Chairman and gentlemen, evidence that I might present to your honorable committee is contained in some detail in a report submitted to the National Park Service following the conduct of a study of the economic impact of the proposed national seashore park upon the lower cape towns. I particularly invite your attention to the summary and conclusions as contained on pages 77 to 83 of that report.

Based upon the study referred to, upon personal knowledge of the cape area, and upon personal observations of its development over period of years, I welcome this opportunity to submit the following brief supplemental comments:

First, in the event that the Congress in its wisdom determines that the establishment of a national seashore park on Cape Cod is in the national interest, and that such interest is in harmony with local and regional interests—and we feel that objective considerations can only lead one to that conclusion—then the importance of taking the necessary legislative action at this session of Congress cannot be overemphasized. To postpone action at this time could only result in very materially increasing the ultimate cost of establishing the park, materially reduce those values that it is the purpose of the park to preserve, and add to the uncertainties and confusion of those owning or desiring to purchase properties within the proposed park area.

Action at this session of Congress is urged even though, as the hoped for co-ordinated planning processes of the lower cape towns and the Park Service proceed, it may be found that good judgment dictates that adjustments should eventually be made in the bounds of the park as currently proposed.

Secondly, I believe that it is conceded by all concerned that it is to the mutual interest of the lower cape towns and the National Park Service to plan their future development upon a coordinated basis. Only by so doing can either realize their maximum potential, each to the great benefit of the other. In this connection a future land use pattern for the entire area, upon an integrated basis, must be developed. To accomplish this the cape towns may require financial assistance. In any event, it is a project that should be undertaken forthwith.

Gentlemen, it would appear that for the most part opposition to the park is concentrated in two general areas. I would appreciate the opportunity to mention these briefly.

In the first instance, overintensity of park use by picnickers or "day trippers," so-called, is feared. Too, there is apprehension that the park will be a sea of tent and camp colonies. It is realized that such use is inconsistent with the very purpose for which the park is proposed, but definitive assurances must be made that this will not be the case.

The other major area of concern seems to center around the fact that the loss in tax base and development potential to the various towns will be more severe than they can absorb without doing irreparable damage to their economies. I submit that with proper planning of future land use patterns, upon the basis referred to above, by far greater values and development potential will be created outside the park area than will be lost within the park area—and that the park, properly managed, as it will be, will be the generator of this new expanded economic potential. In this connection I mention just one of several possibilities. With the assurance of the preservation of miles of shoreline and excellent beaches, now vacant inland areas will become tremendously more valuable for residential development, since residents will not be required to own a section of beach frontage, or be herded into confined areas, in order to enjoy one of the great attractions of Cape Cod.

Gentlemen, all of us here today, whether for or against the establishment of a national park on Cape Cod, cherish the cape and its unique charm. We want to preserve it and to share it. It would appear that the establishment of the park is the best if not only means to that end. With mutual trust and under-

standing, by planning and working objectively and cooperatively together, great benefits will accrue to all and Cape Code will be preserved in the process. Should the Congress agree with this premise, then I respectfully suggest that it is essential that the required legislation be enacted at this session of Congress. Should there exist areas in the current bill requiring perfection in order to better serve the interests of the cape towns and the park, then I suggest they could better be made at a later date based upon experience. This should not be difficult since all parties involved have the same ultimate objective.

To postpone action at this time, to allow another year or two of development to take place, could very well result in such inroads being made as to make the establishment of the park either impractical or so expensive as not to warrant its establishment.

It would seem, gentlemen, that if there is to be a national seashore park on Cape Cod that decision must be made at this time.

Senator Moss. I believe that completes the record and completes the testimony in time for Senator Long and me to make our 4 o'clock appointment.

STATEMENT OF VAN NESS BATES, PLANNING AND RESEARCH CONSULTANT, BOSTON, MASS.

Mr. BATES. Just one word, Mr. Chairman. I am Van Ness Bates, planning consultant in Boston. Just two things that happened this morning at the House hearing that I think the Senate committee might like to know about.

Congressman O'Neill made the statement that he felt the sooner definite lines could be established, the greater would be the happiness of many people who are now uncertain as to whether their lands are to be taken or not; in other words, to alleviate as much uncertainty as possible by trying to get the definite lines established so people whose property is definitely not going to be taken can at least know that.

That was one point. The second was the invitation of Mr. Snow for the committee to come down and visit the landscape. Mr. Chairman, for the last 3 months I have been all over the lower cape. I know it far better than I ever did before, and there is still a lot to learn, and I assure you that if a joint committee, say, of three of the House and three of the Senate could possibly spend 3 or 4 days properly conducted down in these controversial areas you will have a far better grasp of what will be good for the towns, good for the cape, and good for the United States of America.

Senator Moss. Thank you very much. I agree heartily, Mr. Bates, about the necessity for observing it firsthand, if possible. I had a very limited opportunity in December and I would like to go back.

This will conclude our hearing. I recognize what Mr. Bates said and what so many other have said about the urgency of getting some decision in this matter. It is very unfortunate that our situation legislatively is such that there is really no likelihood that we can act at all this year.

However, I will assure those who have appeared here that I will do everything I can to give this the greatest priority and one of the first things that we will act upon when the Congress reconvenes in January. Maybe we will reconvene sooner. I don't know.

The hearing is adjourned.

(Whereupon, at 4 p.m., Tuesday, June 21, 1960, the committee adjourned subject to the call of the Chair.)

APPENDIX

[From the Massachusetts Wildlife, May-June 1960]

CAPE COD NATIONAL SEASHORE PARK

(By Lewis A. Carter, department of natural resources)

A national park on the Atlantic shoreline of Cape Cod moved a step nearer reality with legislation offered in Congress last year by Senator Leverett Saltonstall, Senator John F. Kennedy, and Congressman Hastings Keith, all of Massachusetts. This bill was S. 2636, and Senator Kennedy made the presentation in the Senate on Thursday, September 3, 1959.

President Eisenhower, in a press release January 19, 1960, urged creation of the Cape Cod National Seashore Park "before it is too late." This project deserves the support of conservationists, sportsmen, and the public in general, for this coastal region is one of the richest natural resources on the continent.

As early as 1892, one man prophesied the possibilities of the area. J. H. Harrison, of the trustees of reservations, made a study of the beaches of the lower cape and wrote as follows:

"Orleans is a town of beautiful landscapes and attractive building sites, and the summer people are beginning to appropriate them. A wise foresight would provide a large area here for out-of-door rest and recreation, a pleasant reach of shorelands, where thousands of inland people might bathe and walk by the sea; but there is no park or common or public beach. * * *

"Unless great areas here are made public holdings, free for the people's enjoyment forever, the time will come when the tired dwellers of the cities and in the vast interior of our country, who are driven by the heat of summer to find rest and a new life by the sea, will find the city over again, and be 'cribbed, cabined, and confined' in conditions very like those from which they are trying to escape."

In some places, Harrison's dire prophecy has happened.

Since Mr. Harrison's report, there have been a number of surveys of the outer beach area conducted by the trustees, the Commonwealth, and the National Park Service. Reports were written and recommendations made, but nothing came of these efforts except, perhaps, the survival of the idea. After the end of World War II, ocean shorelines and shores of inland lakes and rivers became prized real estate, and by the early 1950's an amazing amount of shoreline had been developed.

A public-spirited friend of the National Park Service donated funds in 1953 for a seashore recreation area survey of the Atlantic and gulf coasts. This was completed by the Service in 1955 and a report, "Our Vanishing Shoreline," was published. This study revealed that nearly 85 percent of the general shoreline from Maine to Mexico was in private ownership, and that every shoreline area accessible by road had either been developed, was under development, or was being considered for development.

Private funds enabled the National Park Service to make a second detailed survey of the Cape Cod area, which was released in 1958. This report emphasized again the high priority of this region for seashore conservation and recreation. Legislation was introduced in the House of Representatives for creation of the park by Representatives Philbin, O'Neill, and Boland, of Massachusetts. The Massachusetts General Court memorialized Congress in a request for the establishment of a national park.

During the interim between the 1955 "Vanishing Shoreline" report and 1959, Cape Cod's outer beach area underwent a substantial amount of development. The project had turned into a race with exploiters of this lucrative use of land bordering the Atlantic ahead by miles. With each new cottage and summer

home, more of the shoreline was denied to swimmers, saltwater sports fishermen, and people who just liked to be near the ocean.

It is not yet too late, but another year or two will result in greatly reducing the attractiveness of the area and, practically, will make the establishment of a national seashore area here much more difficult.

The original "Vanishing Shoreline" report aroused much local opposition. The Saltonstall-Kennedy-Keith bill goes far toward meeting the objections as a few of its salient points are examined. This legislation is unique in the history of national park acquisition and has been designed carefully to consider the needs of the people who live in the six towns of the lower cape, the towns' needs for revenue and further growth and to preserve this historic area from the wave of commercialism which has destroyed other once lovely sections of the Atlantic coastline.

Under S. 2636, each residential landowner is given a minimum guarantee of electing life occupancy or occupancy for 25 years. In any of the towns which adopt zoning standards defined by the Secretary of the Interior, all homeowners in those towns whose property lies within the diagram of the park are assured of the right to continue to own their homes without interruption or interference, as long as the zoning is kept in force.

For the town's growth, there is a provision for setting aside an acreage up to 10 percent of the total private land in each town which falls within the park, for new homebuilding. There is a shock-absorber-in-lieu-of-taxes provision in case the towns' tax revenues experience a dip due to the park. An advisory commission composed of locally appointed members, State-appointed members, and one appointed by the Secretary of the Interior, is an important part of the legislation.

Fishing and hunting provisions also set a precedent in national park legislation. Fishing, including shellfishing, which is to be regulated as is now the case by the towns, would be specifically authorized within the park. Waterfowling would be permitted consistent with Federal and Massachusetts law. Upland game and deer hunting could also be permitted consistent with Massachusetts law.

The Commonwealth at present holds title to the Province lands and the Pilgrim Springs State Park, with a combined area somewhat over 5,000 acres. The U.S. Army has title to about 1,600 acres in Wellfleet (Camp Wellfleet). Other Federal properties on the Atlantic side include an Air Force radar station; Coast Guard stations, and Monomoy Island, which is a Federal wildlife refuge. Several town landings and beaches are situated in the ocean area also, and recently the town of Orleans acquired about 6 miles of Nauset Beach south of the inlet at Orleans. The balance of this beach south of Orleans is the property of the town of Chatham.

The great outer beach area of Cape Code contains a wealth of natural resources, unique even in New England. From Provincetown to the beach's southern terminal at Chatham is about 45 miles. The only major break is the inlet of the Nauset Marches, which is 33 miles from Provincetown. The Province lands contain some of the highest dunes on the Atlantic coast.

At Pilgrim Springs is the site of the first water found by the Mayflower voyagers and an area especially prized by nature students and bird watchers. Just south of this is Highland Light and the beginning of the great upland which extends for about 18 miles all the way to Nauset Inlet. Reaching heights of 150 feet, this bank overlooks the beach almost vertically and is a most unique feature of the area.

Much of the upland is in bayberry barrens, although there are large areas of oak and pitchpine forests. Nearly 20 fresh water ponds lie in the Truro and Wellfleet portions. None have an outlet or inlet into the ocean. They are glacial potholes and are popular with fishermen and also with ducks, geese, and other migratory birds.

The beach itself is 1 of the 10 best saltwater sports fishing areas in the United States for stripers, bluefish, pollock, and other game fish. The tidal and fresh marshes which lie along the beach are rich in shellfish, scallops, quahaugs, and many other edible species. The two largest of these are found in Nauset Inlet, and Pleasant Bay, which separates the 10-mile barrier section of the beach south of the inlet from the mainland. These are vast resting and feeding areas for thousands of migratory birds, principally ducks. The upland between Eastham's Coast Guard light and Wellfleet is a popular deer range.

Historically, the outer beach area is associated with the beginnings of the Nation. The Mayflower landed at Provincetown and the whole area is steeped

in our history. It has been the favorite theme of such literary figures as Thoreau, Joseph C. Lincoln, Henry Beston, and many others too numerous to name. The vast seascapes, the little harbors, coves and sights along the beach have inspired countless artists and photographers. Eugene O'Neill is said to have written "The Emperor Jones" in a little shack on the dunes of Truro.

In addition to the many natural, recreational, and esthetic qualities of the outer beach area, the people who lived in the towns have gone to sea to bring back the seafood resources of the ocean for centuries. Cape Cod ocean and shell fisheries today represent an important part of the economy. Cape Cod Bay scallops, Cotuit oysters, soft shell and quahaug clams are known the world over. History has shown that heavy development of coastal areas by housing and industry has often destroyed such resources through pollution. The creation of the park would eliminate this needless waste of ocean food resources.

In early December of 1959 the Senate Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs conducted hearings in the Eastham townhall. Senator Frank E. Moss (Utah), chairman, presided and listened to the testimony, both pro and con, during 2 days. Natural Resources Commissioner Charles H. W. ("Hank") Foster acted as guide to the Senate committee on a helicopter tour of the whole park area, and made a statement at the hearings which brought out the accessibility of the cape to all the large cities of the Northeast, including Canada, and the need to preserve the area for the tremendous public demands for outdoor seashore recreation. The selectmen of Provincetown, Truro, Eastham, Orleans, and Chatham went on record as being in favor of the park in principle. Opponents were granted all the time needed to state their objections.

The Senate subcommittee left Eastham with many suggestions for changes of detail in the proposed legislation. These will be considered fully when revisions to S. 2636 are made. Hearings in Washington both in the Senate and House are to be held in the current session. After these, it is the hope that Congress will enact legislation establishing the Cape Cod National Seashore Park as outlined in the Kennedy-Saltonstall-Keith bill. It looks as if, perhaps, Mr. Harrison's dream is on the verge of coming true, but complacency has wrecked similar conservation projects in the past. All people who believe that the park is necessary should make their views known to the Congress.

The creation of this national seashore park will be a sorely needed complement to the department of natural resources' long-range State park expansion, and of the greatest importance to the people of the Commonwealth. Out of nearly 2,000 miles of tidal coastline in Massachusetts, almost 95 percent is denied to public use by industrial, private, or commercial development. One does not have to be an expert on conservation or marine life to see the value of preserving this outer beach area. Let a man stand on the edge of the Atlantic and see, in the words of Henry Beston, what is there:

"As one looks from the height of the earth cliff which there confronts and halts the North Atlantic, it is the immense and empty plain of ocean which first seizes upon the imagination, the ocean seen as one of the splendors of earth and ever reflecting the mood of the season and of the day."

CAPE COD CHAMBER OF COMMERCE,
Hyannis, Cape Cod, Mass., April 15, 1960.

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: Acting on the vote of our board of directors, we request that you take whatever action is necessary to delay action on the national seashore, proposed for Cape Cod, and S. 2636.

This vote was taken at our annual directors' meeting held April 13, 1960, at East Sandwich and was by a majority of 18 to 1. Of those present 5 officers and directors were from the towns directly affected, 14 were from other towns in the county.

The adopted motion reads as follows:

"That our Senators and Congressmen be advised of our keen interest in obtaining information concerning the economic impact on our county if the proposed national seashore is created on Cape Cod, and that they be further advised that time is required to obtain this information, because our general court has not

yet acted on House 807, sponsored by our county commissioners and selectmen's association, which will authorize a study to provide information needed locally to deal with the many changes that will result should the seashore be created."

During the discussion of this motion, I was requested to assure you that this action is in no way to be construed as opposing the preservation of the natural beauty and resources of this general area and several others in our county.

The attitude thus expressed was a reaffirmation of a long-standing (since 1925, 35 years) policy of our chamber in working for land-use planning and the protection of our natural resources. As you will remember it was our chamber that caused the creation of the Shawme-Crowell State Forest in Sandwich. An area we now fear is to be desecrated by the installment of 400 tent sites, as recently reported in the press. This change in the intended use of the area was authorized by an administrated decision. This is but one example of what does happen when public areas are taken for a certain purpose, declared to be in the public interest, but not properly safeguarded by legislation.

It is the consensus that the presently proposed legislation may not be strong enough to protect the biological, geological, historical, and archeological features and assets that are irreplaceable, and peculiar to the area under consideration; particularly, if future administration decisions made under pressure should permit the area to be overrun by a tent dwelling population.

Other important issues need study and clarification. If, as the Park Service and its consultants claim, 4 years after the "seashore" is established, "a tremendous influx of persons," will mean an annual total of "2,500,000 visitor-days." Incidentally this opinion is not supported by evidence unless they are supposing that these people are to be accommodated in tents. We have not had any indication that Federal funds are available to pay the costs of new highways, additional police, fire, health protection that will be necessary to control this influx.

Who can assure us that the retired and commuter families that now are making a substantial contribution to the year-round stability of our economy, will not be driven away?

Your help in postponing further action, pending a locally sponsored economic study will be appreciated.

Yours very truly,

NORMAN H. COOK, *Executive Secretary.*

U.S. SENATE,
Washington, D.C., April 20, 1960.

Mr. NORMAN H. COOK,
Executive Secretary, Hyannis, Cape Cod, Mass.

DEAR MR. COOK: Thank you very much for your letter.

We have noted the resolution adopted at the recent annual directors' meeting. We are puzzled by a resolution calling for delay at this stage, since it is the first direct expression of views which we have had from the Cape Cod Chamber of Commerce on a matter which has been under public discussion and legislative scrutiny for many months, and since most opinion we have received from the cape has requested an early decision on the proposal.

We are well aware that there are some special planning and economic impact problems which will face Barnstable County after the establishment of the park. It was at the recommendation of ourselves and Congressmen Keith that the selectmen urged the introduction of House bill 807, and we do not conceive this study to be a proper cause for delay in the enactment of legislation to establish a seashore park. It will take some time fully to establish the park, and there will be ample opportunity for the legislature to authorize such a study.

There is no contradiction between our legislation and a county economic study; indeed, the proposed county study appears to be predicated on the existence of a park. Moreover, we do not feel that the study made by the Economic Development Associates was unrealistic, and we consider it a useful preliminary analysis of the major economic consequences which the seashore would have.

If it is your firm belief that the proposed legislation would not protect the biological, historical, and special natural features of the cape, we strongly encourage you to place such testimony and evidence into the record. Many officials and eminent authorities both from the cape and elsewhere have testified to these matters, and it seems to us that the time has come to give this matter careful analysis. We hope that you will appear at the hearings which we hope the Senate committee will hold soon, and place into the record a detailed and

careful statement which will allow us and our colleagues in Congress to judge the merits of the motion adopted by the annual directors' meeting.

We are enclosing a copy of a report recently sent to us by the National Park Service highlighting policies by which the Department of the Interior would administer and determine the uses of the park.

With every good wish,

Sincerely yours,

JOHN F. KENNEDY.

LEVERETT SALTONSTALL.

APRIL 27, 1960.

Re: National seashore, Cape Cod.

Senator JOHN F. KENNEDY,

Senator LEVERETT SALTONSTALL,

Senate Office Building, Washington, D.C.

GENTLEMEN: This is in reply to your letter of April 20, concerning the resolution adopted at our annual directors' meeting requesting that you postpone legislative action until our county may have an opportunity to obtain the advice of experts on economic development and land use planning, as provided in a bill now before our general court, known as house bill 807.

It was the judgment of our board of directors that we should have such information prior to congressional hearings, so that we might be able to, as you suggest, "put before the Congress factual information on this subject."

The authorization as contained in house 807 will permit us to make a presentation as you suggest. Without this we do not have the technical assistance to make a proper presentation, especially in the face of competition from Federal and State executive agencies, who demonstrated their power to propagandize at the hearing held in Eastham in December 1959, and we are sure this performance will be repeated at congressional hearings in Washington.

We are sure you are quite well aware of the ease with which large numbers of private associations can be prevailed upon to testify in favor of taking land to promote a policy, meet especially when the land belongs to someone else.

Your comment that you do not consider "unrealistic" the reports issued by the Park Service and Economic Development Associates prompts the following questions:

I. How realistic do you consider the prediction that in 4 years the area will attract "2,500,000 visitor-days"?

(a) Is this increase to be accommodated in tents? If so, where and how much land is needed?

(b) Or is this growth calculated to be created by picnickers?

(c) Or will commercial accommodations be expanded at this growth rate?

(d) If commercial, how much land outside the park will be required?

(1) What provisions are made for water supply, and disposal of sewage and garbage? Will park land easements be provided by legislation for future town needs in this respect?

(2) What provisions are recommended to keep available raw materials such as sand, gravel, and boulders for streets, highways, and shore protection (predictions of growth indicate a large quantity of these will be required)?

II. Assuming commercial expansion, to accommodate the number of visitors expected, where and how will labor be recruited for the services then required?

(a) Will this help or aggravate the seasonal nature of the area's economy? This county imports a seasonal labor force of more than 6,000 people. In addition to this, local residents enter the seasonal labor market in numbers that now result in an annual deficit in unemployment compensation of \$500,000. Many responsible people on the cape are working with a determined effort to develop a more stable annual economy. There now appears to be available two substantial sources of year round income, retired families and commuters.

(b) If a substantial portion of the land remaining in the area's towns is to be devoted to seasonal services, who will guarantee that retirees and commuters will not refuse to live in the area and that those now there will not leave? I am sure you are aware that our State has already embarked on a program estimated to cost \$20 million to rehabilitate Revere and Nantasket Beaches, necessitated by past error in land use planning.

III. It is recommended that portions of Route 6 be made "limited access," who will pay for this?

(a) If the predicted increase in visitors to the area materializes, who will pay for double-barrelling Route 6 from Route 132 to Provincetown, improving or providing access roads in Orleans and Chatham?

IV. When our board voted to ask for time to properly prepare ourselves for congressional hearing, it did not know then that the administration had announced its policy to the effect that no payments will be made in lieu of taxes, as the EDA report was made on this basis, will the study be remade in light of this development?

V. How much time will be allowed Provincetown to negotiate for its requirements for air transportation, garbage disposal, and water supply?

(a) Will legislation be clear on these subjects or do you contemplate they must accept Park Service administrative decisions?

VI. Biology, archeology, history, and geology are indicated as among the principle reasons for establishing a park in this location, with the number of visitors anticipated, will the Park Service describe how they will protect these features and the costs of protection?

(a) If these features are the principle attractions, and not free tent sites, how many visitors are there now to the area because of these features?

(b) What does the Park Service propose to do to increase this number to the figure indicated in the reports?

Please do not construe these questions as in any way casting aspersions on people with these interests. We have advocated for over 30 years that our towns plan the use of their land to protect and preserve areas containing these features. We have worked with such organizations as the Audubon Society for this purpose and are well aware of the commercial value that accrues.

(c) Did the Park Service or the EDA have the advice and counsel of experts on vacation attractions, in determining the drawing power of these attractions, or were their estimates based on the drawing power of public beaches and tent sites?

VII. If, as the Park Service states, it does not intend, "to provide for camping as a purely diversionary activity," will it suggest that definite limits be established by law? Will it publish now its proposed regulations regarding the use of the thus limited accommodations?

VIII. Will it propose now legislation that will allow hunting in a national park?

IX. Will it make public now definite areas to be used by Beach buggies, and the access to these areas?

X. Will it map now the areas to be paved for bicycling?

The Park Service refers to this area as a "long ribbon-like area." Land-use planners demonstrate that "strip" zoning is detrimental to the economy of an area. A "long ribbon-like area," is certainly "strip" zoning. In view of this we believe that a more careful study of the economics of this proposal is necessary, as well as answers to the foregoing questions. This belief prompts our request to you for time to obtain the answers and if necessary make suggestions for different boundaries and controlled use.

Your letter says you are "puzzled" by our request for time, since this is the first expression of our views. Proponents and opponents have been pressing us for our views, such requests have been answered by questions from us for definite answers as to the real use of the land and its effects on our economy. We are certain these questions have not yet been answered.

In broad terms we favor public ownership or legal easements to protect the shore areas and other irreplaceable features. The Park Service has spent 6 years in the study of the questions. We are asked to decide in less than a year and without technical guidance. The record is clear, in 1954 and 1956 we pleaded for State and local legislative action to provide the means for technical advice citing the impending park proposal. We have and are supporting House bill 807.

We ask again that you grant us time.

Yours very truly,

NORMAN H. COOK, *Executive Secretary.*

MAY 24, 1960.

Mr. NORMAN H. COOK,
Executive Secretary, Cape Cod Chamber of Commerce,
Hyannis, Mass.

DEAR MR. COOK: Thank you for responding to our recent letter. It is helpful to have at hand some of the specific concerns which underlie your advocacy of at least 1 year's delay in the creation of a Cape Cod National Seashore Park.

As you know, legislation which would establish a national seashore park on Cape Cod is now being studied by the Senate Committee on Interior and Insular Affairs, which may shortly hold hearings on the matter here in Washington. Of course we cannot speak for the committee or for Congress as a whole on this matter; but to the best of our ability we shall try to give you our personal views in answer to your queries.

1. The hearings at Eastham permitted presentations by all who asked to testify orally or in writing. No Federal official testified, and there was only one general presentation on behalf of the State government. We cannot understand your view that there was excessive propagandizing by State and Federal officials. Indeed, in view of the longstanding interest which the legislature and many Congressmen from the Commonwealth have had in this matter, there was certainly no overrepresentation from these quarters. If you had appeared to testify we are sure that you would have had, as did all of the witnesses, a friendly hearing.

2. It is obviously not easy to predict how many people will be attracted to visit the park. This will depend on many factors including of course the accommodations existing both within and outside the park. The rate and character of the park's development, and the pace at which other State and Federal parks are created in the Northeast and middle Atlantic States will determine the number of persons who will be attracted to the area. It is clear to us, however, that there are going to be inevitable effects of population pressures which will be felt on the cape during the next decade no matter what happens in regard to Cape Cod National Seashore Park. In our judgment this pressure can be controlled more effectively by attempting to preserve the cape and the life of its citizens for themselves and for the general public by establishing a park rather than by leaving the area open to these pressures checked only by the municipal authority of the lower cape towns and by the varying personal inclinations of its citizens. Our reading of the experience at Revere Beach and of the development which has taken place on the New Jersey shore lead to conclusions quite different than yours.

As to your precise questions, we are of course agreed there should be camping only where it is appropriate, where it will not interfere with park preservation and use, and where it is not in close proximity of private lands. By no means will all visitors be picnickers. The Economic Development Associates made an estimate of the amount of required commercial space outside of the park if the growth rate was in line with their predictions. Commercial development is up to the towns which are able to meet commercial opportunities and provide the necessary facilities involved.

It is impossible to preserve the park and at the same time remove large quantities of raw materials. There are plenty of other sources of building materials on the cape.

3. The establishment of the park constitutes a major land-use plan for the area designed to avoid the sort of experience which Revere and Nantasket have suffered. Under the sort of controlled and planned use of the park area inherent in the type of proposal which we have made the area should be more attractive to residents than if it is left to develop along the haphazard lines of pleasure areas such as Revere.

4. As for the possible change to "limited access" on stretches of Route 6, this would be handled under applicable State and Federal programs for highway construction. If time indicates some new kind of program is needed, it can be developed and enacted.

5. For our part, we have proposed, shall continue to push, and expect to get a payments-in-lieu provision in the final seashore legislation.

6. Provincetown needs must be determined at present by the officials of the town and the Commonwealth. Under the legislation the Park Service cannot acquire public land (i.e., the Province Lands) without the consent of the owner. We have no reason to believe that the State and the town will not make whatever arrangements may be necessary as regards the airport, the dump, etc. Certainly Congress should not describe these arrangements in the legislation. We have every reason to believe that these are specific questions which can be resolved to the satisfaction of Provincetown.

7. We believe that the manner in which the biological, historical, archeological, and like uses of the park will be developed are well set forth in the memorandum recently made public by the Park Service. We enclose a copy of this for your attention and consideration. It is not part of the mission of the Park

Service to increase visitors to any particular quota. The EDA report is based upon some working forecasts.

8. We have tried in this bill—by its unique guarantee of up to 3 acres for each landowner and the suspension of all residential condemnation in return for reasonable town zoning—to take account of the special features and values of the cape. In addition, we have included an Advisory Commission which should have a persuasive voice in determining a pattern of development for the park. We do not think that it is possible for Congress to lay down a detailed land use plan within the park area. Rather than create an intricate series of legislative prescriptions, it would seem preferable to rely on the generally good judgment of the Park Service and on public pressure which interested citizens in these six towns are certainly well able to exert. Again we commend to your attention the Park Service memorandum.

9. S. 2636 and the revised administration bill both permit hunting.

10. As for beach buggies and bicycles, again we do not feel we can expect the Park Service to work out detailed specific use plans now before the park is even authorized or established.

11. Your point about strip zoning appears to be based upon a misreading of Park Service statements. There is no logical relationship in their description of the shape of the cape and strip zoning. The statements you quote are in reference to a park and not about zoning.

Finally, let us repeat two thoughts which we have stressed before. The only thing which it is sure that delay and procrastination will produce is: (1) Further uncontrolled development of the lower cape; and (2) further unsettling uncertainty about the future of the cape.

The fact that every specific imponderable cannot be answered prior to forward movement on a project does not in itself argue for delay, or no worthy legislation would be enacted into law. We do believe that the key problems connected with the establishment of a park on the cape have been uniquely and satisfactorily resolved. The establishment of the park is not to place the cape under a cloud but is attempting to encourage active, constructive land use planning and management. Again, it is our impression that House bill 807 will not be a useful mechanism towards legislative action or public education unless it is undertaken with the view that there will be a park along the general lines proposed by Congressman Keith and ourselves.

With every good wish,

Sincerely,

LEVERETT SALTONSTALL.
JOHN F. KENNEDY.

CAPE COD CHAMBER OF COMMERCE,
Hyannis, Cape Cod, Mass., May 27, 1960.

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building, Washington, D.C.

GENTLEMEN: This is in reference to your letter of May 24, concerning a proposed "national seashore." I ask your indulgence in delaying a detailed reply.

As you know because of the seasonal nature of our economy, my time will be fully occupied until November helping with our annual "harvest." Also I expect that because you issued a news release yesterday on the subject of our correspondence, you will approve my releasing the full text.

You indicate that the current session of Congress is rapidly drawing to a close. We will be grateful for advice on the status of two projects of great potential value to us, namely, the Harbor of Refuge at Sandwich and the breakwater at Provincetown. Perhaps if we are to have the "seashore," now would be the time for appropriations on these projects that have been approved for many years.

Yours very truly,

NORMAN H. COOK, *Executive Secretary.*

P.S.—Incidentally, the memorandum you mentioned on page 3 of your letter paragraph 7 concerning the Park Service's use of the biological, historical, archeological, and geological features of the park was not enclosed.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
State House, Boston, June 2, 1960.

HON. JOHN F. KENNEDY,
HON. LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATORS: I would like to direct your attention to legislation pending which would authorize a Cape Cod National Park in Massachusetts.

Recent reports from Washington have indicated that enactment of this important measure will be unlikely without a strong effort to insure its passage.

May I remind you that the Cape Cod proposal has received consistent backing in the Commonwealth by executive, legislative, and citizen leaders and that the need for its establishment grows increasingly urgent with the passage of time.

Without remedial action in the immediate future, this outstanding portion of the Commonwealth will be lost irrevocably for the use of succeeding generations.

I would urge the concerted efforts of the entire Massachusetts congressional delegation toward the enactment this year of so important a proposal.

Sincerely yours,

FOSTER FURCOLO.

U.S. SENATE,
Washington, D.C., June 17, 1960.

GOV. FOSTER FURCOLO,
*Commonwealth of Massachusetts,
State House, Boston, Mass.*

DEAR GOVERNOR FURCOLO: Thank you for your recent letter concerning my proposal to authorize a Cape Cod National Seashore Park.

I believe strongly in the need for a park on the Cape and feel that it must be established as early as possible. I have consistently made this position clear since the summer of 1959—during the 1st session of the 86th Congress. In addition, President Eisenhower in his state of the Union address in January and in his special message to Congress of May 3 has requested quick action to conserve our national seashores. I am grateful for the support which you expressed in your communication to me of June 2.

I believe that the bill which Senator Kennedy and I have cosponsored and have consistently worked for together is uniquely effective in meeting both the urgent need for conservation in this area and the special features of the towns and citizens that will be directly affected.

As you undoubtedly know, hearings for our proposal are scheduled by the proper committees in both the Senate and the House of Representatives during the forthcoming week. This further step in the legislative process gives us new hope for final action this session. Let me assure you that we are continuing our efforts to accomplish that end.

Sincerely yours,

LEVERETT SALTONSTALL.

DISABLED AMERICAN VETERANS,
CAPE COD CHAPTER No. 96,
Hyannis, Mass., June 16, 1960.

NATIONAL PARK SERVICE,
U.S. Department of Interior and Insular Affairs.

DEAR GENTLEMEN: We, the Disabled American Veterans of Cape Cod, Chapter No. 96 are in favor of bill No. 2636 to establish a national seashore park on Cape Cod so that we, the natives of Cape Cod, can give our many thousands of visitors who come to our beaches and world's playground a chance to get to our beaches and feel our God-given salt water for which they spent many thousands of dollars to do so. If only some people would see beyond their noses and help to boost Massachusetts instead of downing the National Park Service for wanting to help us keep what we already have before it is taken away from us by a few real estate agents who think more of putting a dollar in their pockets rather than helping us keep the beautiful spots on Cape Cod that we have left. We hear a lot of folks holler about the National Park Service taking so much land from the different towns, but no one will say we

should be lucky that we do not live in Provincetown, Mass., where the population of said town that people live in is only three-tenths of the town and the State of Massachusetts owns the other seven-tenths. No one will say anything about that. I can remember back in 1939 when they started to build Camp Edwards a few of the rich talked about the camp hurting the economy of Cape Cod, and also when Otis Air Force Base started to bring larger planes and that also was going to hurt Cape Cod. We, as disabled veterans, know that it will help to build a bigger and better economy for Cape Cod and nearby cities.

Yours truly,

COMDR. JOSEPH L. FRANCIS.

CAPE COD PARK COMMISSIONERS' ASSOCIATION,
Orleans, Mass., June 8, 1960.

HON. LEVERETT P. SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: The Cape Cod Park Commissioners' Association, under date of April 14, 1959, sent you a copy of a resolution regarding the national seashore park proposal. This was unanimously adopted by the association at that time. This letter is to reaffirm our stand regarding the seashore park in principal, but with reservations, and reasonable modifications.

At the last meeting of the association held on June 6, 1960, it was unanimously voted that the association go on record as being opposed to any atomic installation, of any nature, on Cape Cod.

Respectfully,

ARTHUR J. YOUNG, *Secretary.*

BUILDING AND CONSTRUCTION TRADES COUNCIL
OF GREATER NEW BEDFORD, CAPE COD,
MARTHA'S VINEYARD, AND NANTUCKET,
New Bedford, Mass., June 7, 1960.

HON. SENATOR LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: The New Bedford Building and Construction Trades Council wishes to be recorded in favor of House bill 2636, we are of the opinion that a Cape Cod National Park would attract more tourist and be of major importance to the Commonwealth of Massachusetts and we believe that legislation should be passed this year.

Very truly yours,

RAYMOND SEGUIN, *Secretary-Treasurer.*

AMERICAN VETERANS COMMITTEE, INC.,
NEW ENGLAND REGIONAL OFFICE,
Boston, Mass., June 6, 1960.

SENATOR LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: At its State convention in Springfield, Mass., on November 15, 1959, the American Veterans Committee of Massachusetts passed a unanimous resolution favoring the creation of the Cape Cod National Park. We know that you are working hard for the passage of H.R. 2636, which you cosponsored. The Cape Cod National Park is of vital concern to the Commonwealth and we now urge you to do all you can to see that this session of Congress passes the enabling legislation.

Very sincerely yours,

ELIOT FITCH BARTLETT,
Vice Chairman, Finance.

WAREHAM, MASS., *June 18, 1960.*

Senator LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SIR: As representative of the Garden Clubs of the Massachusetts southeastern district, may I respectfully urge you to do all you can to see that enabling legislation on the Cape Cod National Park proposal, be enacted this year.

Thank you.

Very truly yours,

ELIZABETH G. LYLE,
Southeastern District Director, Garden Club Federation of Massachusetts, Inc.

[From the Massachusetts Audubon, May-June 1960]

THE NEED FOR A CAPE PARK

(By Leverett Saltonstall, U.S. Senator from Massachusetts)

The need for a Cape Cod National Seashore Park can be found first of all in the nature of our modern society. America is rushing forward in an age already known for its high level of industrialization, the rapid growth of its cities, and the increased crowding brought on by an ever-increasing population.

The pattern of our individual lives and the very quality of our national personality will be crucially affected by the continuing revolution in family income, leisure time, urbanization, mobility, and population growth. As we grow more wealthy, in terms of an unprecedented standard of living, we face two great challenges as a nation. How will we spend the free time which will be ours and how will we guard against the grimy dehumanization brought on in a modern industrial state?

The answer to both questions, I believe, is the protection of natural recreation areas available to the public. More money to spend in extra leisure time and the mobility potential presented by improved transportation facilities suggest that the U.S. citizen go somewhere. But where? What is even more important, the soul of crowded, urbanized, institutionalized modern man will crave as never before for the refreshment and the restoring qualities of open spaces of sky, water, and green hills and fields. How does he find these?

As our society grows, the responsibility of government to preserve certain untouched areas of our country's glorious natural beauty grows greater and greater. As our cities and suburbs spread, as the invasion of asphalt and harsh neon glare continues, as the smoke and grime of our great industries multiply, the obligation for the future becomes more and more pressing. And the opportunities are already few and far between. Local communities and private efforts alone are inadequate to the problem. There must also be Government help. America must find the will and purpose to carry through cooperatively the broad programs of public policy necessary to answer the increasing national need for providing our future citizenry with the cultural, recreational, and scientific opportunity provided by nature and properly insulated from commercial and industrial expansion.

As one national periodical eloquently wrote on this subject recently: "The dilemma of man enmeshed in an asphyxiating environment of his own creation presents the greatest challenge conservation has ever known." The golden land we consider our heritage is disappearing fast. As State Representative James DeNormandie said at the Senate hearings held last December in Eastham on the Cape Cod proposal, it is essential that we act now because the time is short: "Obviously, if we don't do it soon there will be very little of this land left for recreational and conservation purposes."

Next, we must justify the need for a national park specifically on Cape Cod. Why must we have one there? The answer is threefold.

First, we in Massachusetts and New England should do our part, since the necessity of purposeful cooperation on a national scope is clear. Second, Cape Cod presents a unique opportunity for preservation of an extremely valuable scenic and historic area. Third, the march of commercialization and citification soon threatens to destroy, as we know it today, this beautiful, bending peninsula thrusting out into the Atlantic.

Presently, Maine's Acadia is the only national park in the entire Northeastern United States. Cape Cod lies adjacent to the 600-mile stretch of near-contin-

uous supermetropolis stretching along the eastern seaboard. The Commonwealth of Massachusetts and the cape are now within a day's drive of 50 million people. The vacation travel business is reportedly the third largest Massachusetts industry, amounting to about \$100 million annually in the Cape Cod area alone. Over half the summer visitors to this area come from outside New England.

These facts clearly indicate the responsibility of our region to join with the Federal Government in sound and basic planning about the future conservation programs and recreational facilities.

It should be noted that these facts do not mean that the establishment of a national park on Cape Cod will result in hordes of "outsiders," who wouldn't otherwise be interested, descending on the cape. The point is, rather, that huge numbers of people will be coming to the area seeking recreation in the natural grandeur of its open reaches of sea, sand, and sky in future years regardless of the existence of park facilities. The problem is, how are these inevitable visitors going to be handled so that the cape is not ruined? Prof. Serge Chermayeff summed up this point most effectively at the December hearings:

"To begin with, it must be admitted immediately that whether we like it or not, the cape has become accessible to an extraordinary degree. * * *

"From a planning point of view it is absolutely essential to grasp this and to become reconciled to change in spite of all the nostalgia for the unchanged cape. The cape will change.

"I personally am entirely for the park bill because I believe that the intervention of this very large measure of control will in fact give a certain braking power to the change in the cape. * * *

A century ago, Massachusetts' great naturalist-writer-philosopher, Henry David Thoreau, walked most of the length of the Cape Cod's Great Outer Beach in enchantment, and later wrote:

"We went to see the ocean, and that is probably the best place of all our coast to go to. I do not know where there is another beach in the Atlantic States, attached to the mainland, so long, and at the same time so straight, and completely uninterrupted * * * certainly there is none where there is a double way, such as I have described, a beach and a bank, which at the same time shows you the land and the sea, and part of the time two seas."

The cape's diversified topography—its dunes, marshes, woods, and heaths—gives the area scientific as well as scenic significance, and the rich variety of much of the terrain in its present wild state produces a wide range of bird and wildlife species.

Cape shores and villages participated in the chartering of the Nation, in the historical genesis of what we now know as America. Surely we should give those who come after us a chance to experience the traditional nature of the cape largely as it existed when the Pilgrims first anchored in Provincetown Harbor, found food and drink at Corn Hill and Pilgrim Spring in Truro, and paused at First Encounter Beach in Eastham before going along to Plymouth Rock.

Charles H. W. Foster, State commissioner of natural resources, provided an excellent summary before the Senate Subcommittee on Public Lands last fall:

"I would like to point out * * * the endless scenic variety of the proposed park, dunes, headlands, forest, and upland, these deep kettle hole ponds, areas of salt marshland, all within what we would normally consider a very limited area.

"Without any question, it goes without saying that the park proposed in S. 2636 also embraces some of the fundamental points of historical interest we have in the Nation.

"Cultural values I think are also obvious in that there is more here than just items of natural, geological, historical interest, but a whole way of life, a set of living conditions that are as much a part of this park as its natural features."

Here are the reasons why a unique opportunity exists on Cape Cod for preserving a place for Americans to come and find relaxation, recreation, and inspiration.

And yet there is not much time available. A Coney Island on the cape, with the accompanying clutter of trash and filth, may only be matter of time with population growth and the building of superhighways.

Senator Kennedy has said that if a park is not established on Cape Cod, "there is every danger that much of the cape will become a mere extension of

the suburban civilization which typifies so many of our lives," and that we must "act sensibly now, while the opportunity remains."

The National Park Service documented this warning in a report issued in 1958:

"The need for conservation and protection is urgent. House lots and cottages, which have already blanketed the south shore and left only isolated areas for public enjoyment, are fast converging on the outer cape. The Massachusetts Department of Commerce in a 1955 study * * * estimated that choice land on the cape was being consumed for residential purposes alone at a rate of more than 300 acres annually. New residential units mean more roads, destruction of native flora and range for wildlife, and stark intrusions on the natural landscape * * *."

"The manmade modifications that are taking place are severe and continuing. Although these changes may seem harmless individually, collectively they will soon destroy much of the cape's natural appeal."

The idea of a seashore park on Cape Cod is by no means a new one. For about 20 years various alternatives have been debated. In the middle 1950's the National Park Service conducted exhaustive studies on the subject, and came up with the now famous field investigation report on a proposed Cape Cod National Seashore in 1958. Last year the administration supported an omnibus bill which would establish three separate seashore areas in the United States. Also, individual bills treating just a cape seashore were filed in the House of Representatives by Massachusetts Congressmen.

Senator Kennedy and I, in association with Congressman Hastings Keith of the Ninth District, attempted to draft legislation which would give the special characteristic and needs of Cape Cod specific recognition and appropriate treatment. The bill, S. 2636, which we filed on September 3, 1959, was the outgrowth of months of concentrated study and consultation with cape citizens and town officials, Members of Congress and congressional staff personnel experienced in the conservation field, and officials of the National Park Service and the Interior Department.

The sponsors of this bill believed from the start that a park on the cape was only justified if it was indeed the best way to maintain the traditional life and the natural integrity of the region. We believed strongly that any seashore on Cape Cod should be handled individually on its own terms rather than being included in general omnibus legislation, leaving many crucial matters to the discretion of the Interior Department. Recognizing the extremely important fact that the cape is much more developed and settled than most national park areas and has evolved its own distinct way of life since the Nation's beginnings, we attempted to provide reasonable protection to the private residential landowner and the local communities.

In short, in the words of a sympathetic Harvard University professor, we tried to do a "sensitive and careful job of adapting general principles of national park legislation to the very special conditions which prevail on the cape." Rather than just conservation factors, S. 2636 considers the human aspects, and in doing so departs from traditional park legislation in several new respects and makes unique concessions to local residents.

S. 2636 does the following:

(1) Sets aside 32,278 acres along the 55 miles of the Great Outer Beach, generally following the boundaries designated by the National Park Service in its proposal, and allows \$15 million for the acquisition of property.

(2) Gives each residential landowner a minimum guarantee of electing either life occupancy or occupancy for 25 years.

(3) Assures the right of homeowners whose property lies within the diagram of the park to continue to own and occupy their homes without interruption or interference if their town adopts and keeps zoning meeting standards defined by the Secretary of the Interior.

(4) Provides for the setting aside in the future of up to 10 percent of the total private land in each town which falls within the park for new homebuilding, also subject to acceptable zoning, so that possible growth and revenue needs of the towns are accommodated.

(5) Gives a shock absorber to local towns, in the event of dip in tax revenue as a result of Federal land acquisition, through an in-lieu tax provision.

(6) Establishes an advisory commission with influence in setting policies governing the park's administration, with local representation.

A recently completed private study conducted for the National Park Service generally confirmed the validity of S. 2636's approach. This "economic impact" survey conducted by the Economic Development Associates in Boston stated:

"The purpose of the establishment of the Cape Cod National Seashore Park is to preserve for all time unique natural and historic features of the cape. Since these are the very attractions that have directly been responsible for the development of the area's economy, the establishment of the park cannot be considered as being in conflict with the interests of the cape and the towns directly involved. On the contrary, with the assurance of an orderly transition period that will minimize and, in addition, compensate for the immediate financial impact of the park's establishment upon the lower cape towns during this time, it should materially strengthen the areas economy."

I am hopeful for affirmative action on S. 2636 during the present session of Congress, even though additional difficulties will be encountered because 1960 is an election year and the Congress will be adjourning early. The first set of Senate committee hearings on the measure have already been held, and should be supplemented by hearings in Washington sometime in April. I have strong reason to believe that the Department of the Interior will soon report favorably on most of the provisions in S. 2636.

With the belief that our proposal can be refined further, the cosponsors are giving immediate consideration to the proposals in the private economic report, have carefully studied many of the suggestions made at the Eastham hearings, and will shortly set forth a number of suggested improvements in the legislation. We will continue to work vigorously, both within the executive and legislative branches of our Government, to insure that action is taken on the proposal for a Cape Cod National Seashore Park as soon as possible.

STATEMENT OF HENRY R. GUILD, OF EASTHAM, MASS.

The matter of enacting the proposed legislation to establish the Cape Cod National Seashore Park cannot be lightly cast aside. The selection of the lower cape as a site for a national park is the result of extensive research and study by the Park Service, which recommends this location as its top choice for a national park on the Atlantic coast.

The fundamental concept of the proposed legislation is to maintain the proposed area on a going concern basis; to keep the people who live there now continuing to live there and continuing to enjoy their homes and their way of life, and to preserve for them and for the people of every State in the Union the unique scenic beauty and charm of the lower cape. It is very definitely not the intention of the Park Service to eliminate the homeowners through takings by eminent domain, and to leave the area a wilderness solely for the benefit of the wild animals and the tourists.

The present bill represents an entirely new approach to the national park legislation. Under its provisions, if a town adopts certain minimum zoning laws to be promulgated by the Secretary of the Interior, the owners of private homes in the township are exempt from being taken. They may keep their houses, not less than 3 acres of land and as much more land as the Secretary deems suitable to enable the owner to continue to have the same use and enjoyment of his property in the future as he has had in the past.

Even if the private property owner is not permitted to keep his home forever, because of the town's failure to adopt minimum zoning regulations, he may still have it for either his lifetime or for 25 years, whichever he may choose.

Surely, if we are to have any national parks at all they could not be established on a fairer or more economical basis than is proposed by this bill. It leaves the residents with their homes, and it costs the Government far less to establish the park.

Time is very definitely of the essence. The development of the lower cape is marching on in the wrong direction at an ever-increasing pace. The bill must pass very promptly if it is to achieve its full and fine purpose, and if we are to avoid having this entire area vanish forever under a forest of hotdog stands, honky tonks, motels, and small house development projects.

U.S. SENATE,
Washington, D.C., June 16, 1960.

HON. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR JIM: On behalf of the Vermont Federated Garden Clubs, I urge that your committee do everything possible to expedite S. 2636, which would establish a Cape Cod National Seashore Park.

The Vermont Federated Garden Clubs have asked me to convey to you their interest in this legislation which they endorse wholeheartedly. I would appreciate your making this letter a part of the official record of the hearings.

Best regards.

Sincerely yours,

GEORGE D. AIKEN.

CHATHAM, MASS., February 8, 1960.

HON. JOHN KENNEDY,
Junior Senator from Massachusetts,
The Senate Office Building, Washington, D.C.

SIR: * * * I am a legal resident of Massachusetts, a citizen of Chatham on Cape Cod and therefore one of your constituents. I came originally from Worcester, of the family of the great loom works of which you most probably have heard.

This letter concerns the proposed national seashore on Cape Cod, and as my views of the taking over of Morris Island and Monomoy Peninsula are diametrically opposed to those of our town fathers, I trust that you will read this letter carefully so as to be well-apprised of the other side of the case.

You probably know Chatham and its Stage Harbour section as I suppose that you spent your boyhood on your father's property in Hyannisport. Perhaps you know Sears Point that juts out upon one side of Stage Harbour while Morris and South Islands form the other side of the harbour. (Morris is almost divided in two by a winding creek, and thus the two parts are referred to as to differentiate these parts.)

My small estate is upon Sears Point, all of which was bought by my grandfather in 1896. Our family have lived there ever since, first with him in his large house, then in houses of our various mothers, his married daughters, and, though much of the land and many of the houses have been sold, I and two of my cousins still own small houses upon the point.

We see the beauty of Morris and South Islands constantly—annot help but do it—and I, for one, do not want that natural, primeval prospect to be lost. There is all too little of that on our Chatham waterfront today.

Just before the national seashore project was announced, an Edward Noyes, who summers in Chatham, bought South Island from a David Davis of Harwichport with the intention of developing it in small house lots. He had already obtained the consent of the selectmen, he had built macadam roads upon it, and was about to have telephone poles and other utilities erected when news of the project halted his expensive expenditures.

While the Coast Guard lived there for years, and the lifesavers before them, the only permanent resident of Morris Island since the white men came was a Morris Farris who lived there with his wife back in the reign of Queen Anne. He died, without issue, about 1720. The only notable event that ever occurred upon it was about 1900. The then owner, Samuel Cabot of Boston, who summered in Chatham, used it as the site for launching his experiments in gliders, and so Morris Island is probably the first spot in the United States (perhaps in North America) of this new method of aircraft just with wings.

If Mr. Noyes (an official of the U.S. Shoe Machinery Co., who lives in South Natick in winter) were planning to develop South Island in large estates, like the "island" off Hyannisport and Scraggy Neck off Cataumet and Wing's Neck off Pocasset, no one could reasonably object to that plan. Certainly, I should not. The trees and natural surroundings would be left virtually intact with the houses hidden among them. But a lot of small house lots—I have seen the plans for their division—will be unsightly and "commercial looking" despite all of his now intended care to make a desirable development of it.

I am convinced that the plan of the national seashore to have overnight camps on the northeast corner of Morris Island, near the connection with the mainland, from the map of the seashore plan, which would be near the now abandoned building of the Coast Guard as I figure it out, would be far less of an eyesore as one looks over from Sears Point and from the harbor with its yachting all summer long. The natural appearance of the island would be maintained; probably only the smoke of fires would show.

It seems to me that it would be splendid, and most fitting, to have Chatham included within the new national seashore, and I am glad that the latter wants to take over our end of Nauset Beach, and I hope that it may take over Monomoy Point as well, now a wildlife sanctuary. It could so remain, even if persons were allowed upon it—as Yellowstone Park allows it—because Monomoy is such a beautiful narrow strip of sand projecting out 10 miles, more or less, with the wide water all around, that it should be called within the seashore and not stay a separate Federal reservation as it is now.

If the town fathers are genuinely alarmed by the prospect of motels, small lunchrooms, souvenir stands, etc., they can easily pass a law to zone Chatham against all those.

Cape Cod has changed so fast in my lifetime that if it is not saved soon, there will be very little left of its native beauty for the future centuries to see. I trust that the bill S. 2036 may be passed this present session of the Congress, and that the House may make and pass the necessary complementary one in the next session, if not in this.

Yours very truly,

ROSAMOND CROMPTON.

MASSACHUSETTS AUDUBON SOCIETY,
South Lincoln, Mass., June 7, 1960.

HON. JOHN KENNEDY,
Senate Office Building, Washington, D.C.

DEAR SENATOR KENNEDY: I would like to take this opportunity to strongly urge you to lend your full support to House bill No. 2636 filed jointly by Senators Kennedy and Saltonstall and Congressman Keith, of Massachusetts, for the creation of the so-called Cape Cod National Park. This is vital legislation as far as Massachusetts is concerned and it is safe to say that it has the wholehearted support of nearly the whole Commonwealth. Without such legislation, I am sure the future development of the outer cape would be exposed to a trend which would not be in the long term public interest.

As you are well aware, if these reservations for the public are not made when lands are available, it is often too late to accomplish it at a later date. We have no choice but to do it now and to give this bill our strongest support. I make this plea as a resident of the Commonwealth and as president of the Massachusetts Audubon Society, a strong conservation organization which thoroughly supports this legislation.

Very truly yours,

RICHARD BORDEN,
President, Massachusetts Audubon Society.

STATEMENT OF MRS. CARL D. SHOEMAKER, VICE CHAIRMAN, LEGISLATION COMMITTEE, NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.

Mr. Chairman and members of the committee, my name is Mrs. Carl D. Shoemaker. I am vice chairman of the legislation committee of the National Council of State Garden Clubs, an organization federated in 47 States and the District of Columbia with a combined membership of over 450,000 members.

In October 1959, at its national board meeting in Albuquerque, N. Mex., the council adopted a resolution to "support legislation which will protect our vanishing shorelines to be made available in part for public recreational use related as directly as possible to the distribution of population, except where biological, historical, or other values supersede. * * *"

We appear here today in support of legislative measures to establish a Cape Cod seashore reservation in an area of representative land and seascape, significant in historical values and of sufficient biotic and geological interest to impel national recognition and preservation.

According to a 1955 report of a seashore recreation area survey of the Atlantic and Gulf States by the National Park Service, only 240 miles of a total of 3,700 miles of shoreline from Maine to Texas, are in State and Federal ownership. This is a pitifully small proportion of seashore available for public use and preservation of natural features in a region where for hundreds of miles "megapolopolis" is spawning a coastal city destined to embrace one-fifth of the country's population.

An aftermath of postwar prosperity, and an exploding population seeking more outdoor recreation, has created an economic boom not only in seashore property but all shoreline sites. Both private and commercial competition for open beaches, and skyrocketing costs, make it imperative that the storm signals be heeded and action taken to speed acquisition of desirable remaining seashore sites for public use. As in the disappearance of other natural resources, including destruction of plant-animal communities, the seashore once lost is gone forever.

The great beach of Cape Cod, viewed as one of the outstanding beach areas on the Atlantic coast, merits immediate consideration as a national reservation. To that end we respectfully request favorable action by this committee.

Thank you.

EAST ORLEANS, MASS., *February 27, 1960.*

DEAR SENATOR KENNEDY: Thank you for your cordial note of February 20.

I am sure that my suggestions are not the only answer, and I hope that my offering will be considered thought provoking rather than conclusive.

The tying of Forest Service to Plymouth and Barnstable Counties, national monuments to Plymouth Plantation, and national parks to Cape Cod shores does not seem too visionary. All Pilgrims, and the "liberty boys" dreamed bigger dreams.

My sincere thanks for your offer to include my memorandum as part of the record of the next hearings. Under separate cover I am mailing 16 copies of the memorandum for your convenience. I am anxious for a park which will not bring reproach.

With kindest personal regards, I am,

Sincerely,

LOUIS H. CARTER.

A NATIONAL PARK, RECREATION OR CROWDING?

Announcement of the Department of Interior's plan for a Cape Cod Shore Park, followed by the Neuberger bill S. 2010, created severe shock locally, and applause from an uninformed, but eager recreation-seeking public. Now three Senate bills, plus wrath, hope, and fear obscure the main issue.

Out of this confusion, three thought processes have emerged, as follows:

1. Propark, with little thought of quality.

2. Attempts to adapt to the first plan presented; such reasoning resulting in industrious statistical studies of park impact upon the economy of local towns.

3. Futile apathy resulting from shock, due to flagrant weaknesses in Department of Interior plan and procedure.

Can we now recover from our defensive or dazed postures? I believe we can.

1. What sort of park will protect what it proposes to insure?

2. What kind of park will faithfully meet urban needs?

3. What manner of park is suited to this narrow peninsula?

4. How can overcrowding and serious traffic problems be avoided?

The above questions and many more are in the minds of our neighbors. Our Senators have assisted us in shaking off the first shock of the Neuberger bill, S. 2010. It is our turn to assist them in deciding whether the servant shall "bury our talents," or be asked to supply a plan which reflects imagination and vision.

Through Senate bill S. 2636 some of the most oppressive and ruthless features of S. 2010 are softened, but it still remains but a modification of the original National Cape Cod Shore Park plan, which locates a national park at the end of a very narrow peninsula.

If we consider transportation changes since 1915, when freight and passengers moved by rail, when some families were replacing horse-drawn vehicles with autos, and the Orleans tax rate was \$3 per thousand, we can clearly foresee what is ahead in respect to traffic congestion on this very narrow strip of land.

Unless national park areas and our recreation-seeking public are scattered from Plymouth to Provincetown, traffic problems are certain to become as difficult in summer as conditions now are at the lower end of Manhattan Island, N.Y. There are no bridges, tunnels, or ferries to funnel traffic out of this bottleneck.

We might well direct the attention of the Department of the Interior toward the Plymouth Hills. Large tracts in Plymouth County, and some areas in Bourne and Sandwich are in need of better fire protection and reforestation. Plenty of serious conservation work awaits those who are interested. From Plymouth to Provincetown, national monuments should be protected. Much of the cape shore from Plymouth to the canal, and from there to Provincetown should be returned to the public. Dune erosion on the Atlantic beach shouts for protection to such extent as man can protect against the elements. Good forestry practice is urgently needed on many tracts throughout the cape's length, but nowhere is the need greater than in Bourne, Sandwich, and the Plymouth Hills, the area nearest to the concentration of urban children.

Thus far, the conduct of the National Park Service would seem to indicate a desire to smother all opposition to certain details of the initial plan, rather than an anxiety to improve plans, and provide the recreation-seeking public, and the locally affected areas, with considerate service. One may feel sure that such an attitude, if it does exist, cannot long endure.

When the National Park Service accepts grants from private philanthropic foundations, it is the public's trustee. When the trustee discusses recreation, he must be impartial and frank with the entire recreation-seeking public. He must candidly point out that the increasing development and use of national parks is a great industrial stimulant. Parks are a special tonic to automobile sales, gasoline consumption, and sporting goods sales. Such stimulation is not evil, if accomplished in open court, and not overdone. But the public is entitled to full information, which will enable it to see and understand all components of the propaganda forces which are at work.

Funds from private philanthropic foundations furnished for studies, or land acquisition by a Government bureau, may influence individual judgment within a bureau and the public. The foregoing is probably an understatement. The source of funds and their proposed use must be analyzed and appraised squarely. The public is in no position to exercise judgment when the source of such funds is not advertised.

Foundation gifts to hospitals and medical education are in sharp contrast to tax-free income contributed to projects as divergent as Park Service recreation has now become. The public is entitled to full information which will enable it to fairly assess the ramifications inherent in concentrations of tax-free wealth, and before Neuberger bills dispossess any citizens.

Why should a family residing inland find it necessary to purchase gas for transportation to the lower cape, when if proper provision were made they might at less expense enjoy the warm waters of Vineyard Sound, or the bay sands of Sandwich? Car depreciation and time available for beach recreation may be equally important to any family.

Human well-being is the justification for any very serious interest in conservation or recreation. Other interest is either esthetic, or crassly selfish. When, from Plymouth to Provincetown, a unique chance for the improvement of public welfare exists, why must ruthless Senate bills, dictatorial attitudes, or steamroller publicity tactics be allowed to blight an opportunity for more faithfully serving the needs of fast-growing urban population?

Imagination and tolerance cease to function in bitter contest. In elaborate statistical studies we often become surfeited with facts and starved for vision.

Our Massachusetts Senators have already indicated that the present proposal can be improved. They will welcome generous constructive ideas for further improvement. Certainly, park use of a few areas to the north and northwest of the Cape Cod Canal would seem to suggest some relief from overcrowding below the canal. Areas set off for park use in the Bourne and Sandwich Hills or elsewhere along bay or sound shore would likewise spread facilities and furnish traffic relief at the Provincetown end of the shore park.

Surely there is room for more thoughtful study of the needs of urban children. Of their safety. Of the accessibility of their woodland and shore playgrounds, when time is short, or pocketbook is low. Children are our chief resource.

Man, possessed of sensibilities, never looks out on wooded hills or sea without respect for his Creator. When 30 years hence he is asked to sign a National Park Service reservation guest book, we trust that he can truly write, "Thank

you, faithful servant, for tidying up God's work, and for preserving Nature's peace in uncrowded quiet."

I am sure my suggestions are not the only answers. I am confident the public will improve the original plan by insisting that cooperation and vision be substituted for the Department's early dictatorial procedures.

BOSTON, MASS., June 14, 1960.

Re Cape Cod National Seashore, S. 2636; H.R. 9050.

CLERK, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Washington, D.C.

DEAR SIR: The undersigned represented Edward R. Noyes and Maude H. Noyes, trustees of the Morris Island trust, before the subcommittee investigating the above legislation on December 10, 1959. At that time we submitted a brief in support of the exclusion of Morris Island from the proposed Cape Cod National Seashore.

We wish to inform your committee at this time that the position taken by us in December is unchanged. As was set forth in our brief, the inclusion of Morris Island in the national seashore will derogate from its purposes for the following reasons:

- (1) It is located 15 miles by narrow road from the rest of the proposed park.
- (2) It is located at a complete dead end and will immeasurably multiply the traffic problems of the town of Chatham.
- (3) Its use as a camping area would depreciate real estate value on all roads leading to it in Chatham.
- (4) Its use as a campsite area will run contrary to the zoning bylaws of the town of Chatham.
- (5) Its inclusion will have a substantial adverse effect on the financial condition of the town of Chatham.
- (6) Such natural features as there are on the island will be protected by the proposed development.
- (7) Chatham is essentially unspoiled today and the inclusion of Morris Island in the national seashore will detract from, rather than add to its present situation.

For these reasons and those advanced by the town itself, we submit that no public purpose will be served by the inclusion of Morris Island in the Cape Cod National Seashore.

Very truly yours,

MAGUIRE, ROCHE & LEEN,
By RICHARD MAGUIRE.
By THOMAS J. CARENS.

[From the Cape Codder, May 26, 1960]

WILL THERE BE A PARK?

Last Thursday, United Press International reported that chances of quick creation of Cape Cod National Seashore Park seemed "extremely slim."

It quoted "House sources" to the effect that, although there was no significant opposition, "the election year" and time were working against the park.

Senate sources were reported more hopeful.

The fact of the matter is that, in this election year, with so many juicy issues, such as the summit, raising the minimum wage, etc., the issue of a Cape Cod National Seashore Park does not seem quite as important as it should.

To the credit of the sponsors of the park, let it be said that they are continuing to work for early hearings and are hopeful that they will soon be held and that the park will soon be created.

To the discredit of those who would make a political football of the issue, let these questions be asked: Will the antipark Republicans vote for Democrat John F. Kennedy, who has courageously supported this bill; will the antipark Democrats vote for Republicans Saltonstall and Keith, who are also sponsors of it?

This is not a partisan issue. It is an issue of national importance.

It is one which, for the sake of the Nation and Cape Codders, ought to be decided soon, on a nonpartisan basis.

While Cape Cod cogitates and Washington dallies, motels and beach cottages continue to go up. The longer the decision is deferred, the more expensive it will be, either way.

Either Cape Cod will have a national park or it will become another shore resort, such as are to be found from New Jersey to Florida. There is talk now of a Miami Beach type hotel on North Beach.

Alarmist talk? No.

Where do we go from here? Toward conservation or desecration?

The answer lies in Washington, where Senators and our Congressmen must act. Time is, indeed, running out.

[From the Falmouth Enterprise, Apr. 19, 1960]

WHY THE AUTHOR CHOSE TO LEAVE CAPE COD

We are glad Senators Saltonstall and Kennedy—and we hope Congressman Keith—are pressing for action on the bill to create the Cape Cod National Seashore.

The Senators assert delay will be “damaging” to the affected communities. It will be—and more widely than they imply. They are speaking only in the terms of the uncertainties which hang over property owners, businessmen, and town officials in the lower cape communities directly touched by the park proposal.

Delay is also serious matter for the rest of Cape Cod. There is no time to be wasted in snatching the great beach and its highlands from the reach of the developers and spoilers.

It is assuring to find so many in our town and the others miles removed from the great beach, who appreciate the far-reaching importance of the national seashore proposal.

As preservation of the unspoiled acres of Good Will Park is important to everybody in Falmouth, whether that everybody lives in Woods Hole or at Nye's Neck, so preservation of the last wide reaches of Cape Cod is important to everybody—in Falmouth, Bourne, or Barnstable.

We who are in business on Cape Cod are happy to see new homes going up, new businesses established, new dollars flowing into the cape economy. Thinking folks among us are perturbed at the speed and the magnitude of the development coming our way.

This is the accelerated, grasping, heedless development which threatens to destroy the impetus which gives it life. The unique character of Cape Cod, its natural seascape and landscape, created our resort patronage and so our year around economy.

When we destroy our character, our natural seascape and landscape, and become merely suburban acres, our growth and our prosperity will wane. If we become just one big Pelham Manor, folks may just as well remain in their own Pelham Manors. There is no pleasant residential city suburb which isn't within short distance of its own crowded beaches, amusement parks, and honky-tonks.

As a witness for our case, we offer this afternoon the man who “chose” Cape Cod and has now chosen to leave it—Scott Corbett, author of “We Chose Cape Cod” and “Cape Cod's Way.” Today Mr. Corbett does his writing in Providence. Scott Corbett writes us:

“I'm glad we came to the cape when we did, in 1951, because the village we lived in and the life I wrote about have both changed greatly in the few short years since then. Today, ‘We Chose Cape Cod’ is all but a history of the past itself.

“Today we are being ‘developed’ on all sides. Neat new colonies are sprouting everywhere, full of people who are all very nice and all look exactly alike. The simple little harbor I wrote about, with its fishermen in rowboats with 5-horsepower motors, is now full of suburbanites and 35-horsepower monstrosities.

“I am only thankful that no one has figured a way to build a house on the flats yet. As long as the tide goes out twice a day on fall, winter, and spring days, I'll want to come back to the cape itself, which is always good company and never looks exactly like anything else, even itself, twice in a row or even twice in a lifetime.”

The year-around home of the Corbetts in East Dennis has now become their vacation cottage—for how long he does not know. It depends upon how long Cape Cod retains some of the flavor which brought him here.

It is to preserve some of this flavor—the last big bite of it—that the national seashore is so important. It is because change on our peninsula is coming, as Mr. Corbett emphasizes, so swiftly that speedy action is imperative.

[From the Boston Globe, Apr. 9, 1960]

SPEED THE CAPE PARK

Six lower Cape Cod towns, worried about the impact of the proposed national seashore, have received further reassurance from the National Park Service.

Homeowners in the area to be taken already had been promised that they will continue to occupy their dwellings. These and other residents are now assured that there will be neither picnic grounds on their lawns nor public beaches in their backyards.

But other questions remain. Some in the six towns had gained the impression that the seashore-park area would be shrunk, when that was not actually the case. Others fear that concessions, such as have been established in other national parks, will compete with local business.

The National Park Service has gone to great lengths to calm worries. It had Economic Development Associates, Inc., of Boston make a survey of the probable impact of the proposed national seashore on the business of the lower cape. This was completed a week ago and was favorable.

Further assurances are now presented in a study made at the request of Senators Kennedy and Saltonstall, and cape Congressman Keith, authors of the bill to establish the project. The National Park Service promises that homeowners' privacy will be protected. It also outlines a program for the national seashore.

Disruption of life in the six towns is to be kept to a minimum in the transitional period and afterward. Properly located facilities for the use and enjoyment of the area will be provided. The impairment of natural and historic features will be halted, and features already impaired will be restored, to preserve the atmosphere of seafaring Cape Cod.

Traffic approaches to the national seashore will be planned in cooperation with officials of the six towns. The Park Service favors turning Route 6 into a limited access highway.

Despite all the reassurances, worries will continue. As soon as one bugaboo is dispelled, the chances are that another will take its place. That is not because residents of the six towns differ from people elsewhere, but because uncertainty keeps breeding fears.

The bill to establish a national seashore lies in committee in both the House and Senate at Washington. After 3 years of discussion, it is time to enact this measure into law, and set the project in motion.

"Any interim report," says Selectman John C. Worthington of Truro, a proponent of the national seashore, "amounts to nothing but gas. We want answers quickly."

These will have to be precise to set lower cape fears at rest. They can be provided only through the implementation of a law on the books. That the highly desirable cape seashore be speeded is urgent from every point of view. There is no substitute for action.—UNCLE DUDLEY.

[From the Boston Traveler, Apr. 8, 1960]

HONKYTONK WORRIES

The assurances that Senators Kennedy and Saltonstall gave this week should dispel any fears that a honkytonk fringe area might result from establishment of a national seashore park on Cape Cod.

Cape Codders can take heart from the Federal Government's plans to provide proper facilities for the expected influx of visitors, including campers and picnickers.

Our National Park Service has had long experience in accommodating tourists at magnificent reservations throughout the United States. And there's no reason to suppose that the same cleanliness, order, good taste, and concern for natural beauty won't prevail on Cape Cod.

At a matter of fact, there's more danger of a blight from trashy commercial developments if the park plan doesn't go through.

Doubters need only look at a few shabby spots elsewhere along the sands to find comfort in the park proposal.

[From the Telegram (Worcester, Mass.), Mar. 6, 1960]

FOR ACTION ON GREAT BEACH

Senators Saltonstall and Kennedy have joined Congressman Keith to urge the Federal Interior Department to speed along to Congress its report on the proposed Cape Cod National Seashore Park. Congress wants to know specifically what this national beach would mean to the cape and the country. The hour is late for congressional action this session unless the Interior Department moves.

It is almost exactly 1 year since the National Park Service urged Congress to establish a park along the Great Beach area of the cape, a 30,000-acre stretch of sand once described by Henry David Thoreau as the finest beach on the coast. The Park Service has called this beach, extending from Provincetown to Nauset Inlet, the "outstanding seashore area of the North Atlantic."

There has been no lack of surveys stressing the tremendous advantages of establishing this as a national beach. Francis Sargent, former State commissioner of natural resources, repeatedly emphasized the importance of saving Great Beach for the public. He pointed out that already 83 percent of the eastern coastline from Maine to the Gulf of Mexico has been taken over by private owners and real estate developers. It would be a calamity if Great Beach ever became an area of hotdog stands.

The Massachusetts Senators and Congressman naturally want information regarding the economic impact of a Federal beach. The consequences could be great. At the Cape Hatteras National Seaside Recreational Park, in North Carolina, thousands of tourists spend millions of dollars annually. And the Mount Desert Islands, a national park area in Maine, attract many free-spending visitors to that State.

It is none too early to build a fire under the Interior Department to get a detained report delivered to Congress. If time is wasted, another full year may roll around before Congress considers the proposal.

[From the Cape Codder, Mar. 3, 1960]

THE SEASHORE—TIME TO GET CRACKIN'

If November 1, 1960, rolls around without any congressional decision on the proposed Cape Cod National Seashore Park, it will mark the beginning of the fifth year that property owners in this area have been in doubt about the status of their lands and homes.

It was on that date, in 1956, that the Cape Codder was able to tell its readers that such a park was under serious consideration.

Many tides have flowed and ebbed since that date and the story has, at times, shifted like the dunes of Nauset Beach. Its essential outlines remained however. The National Park Service of the U.S. Department of the Interior was convinced, as were many, including ourselves, that the larger part of the area from Chatham to Provincetown deserved preservation as a national treasure.

Doubts about congressional support of a reasonable measure to establish the park were largely dissolved when, in a nonpolitical bipartisan bill, Senators Saltonstall and Kennedy and Congressman Keith came forward with a carefully drafted bill to create the park. With the support of the Governor, the State was assured that it would be spared the political infighting which marked the proposed Oregon Dunes National Park.

It became a matter of not whether a park should be created but what kind of park.

Many thoughtful suggestions were made for the improvement of the SKK park bill, in the course of the Senate hearings at Eastham, December 9 and 10, 1959.

Three months soon will have passed since those recommendations were made. Yet, today, the resolution of what kind of park to have appears no nearer solution than it did at Eastham. In fact, the waters seem cloudier. We have more sand, not in our shoes, but in our eyes.

Why?

Primarily, it appears that Secretary of the Interior Seaton still prefers the shotgun measure proposed, at Seaton's request, by Senator Neuberger. This bill would allow the Secretary, with the advice of Congress, to designate three new national parks. The chances of its passage are slim, almost nonexistent.

Secondly, there has not been decisive and speedy action to clarify two points. The first is, what will the economic impact of the park be and what reimbursements should be recommended to compensate for lost local taxes; the second, what zoning controls will be acceptable over national park property left in private hands (as the bulk of it will be, under the SKK bill)?

The delay is unfortunate from the point of view of Cape Codders, both those who support the park and those who oppose it.

It is increasingly clear that further delay will encourage less desirable speculative building and will discourage the more desirable.

The time has come for action, one way or the other.

It is time for Secretary Seaton to stop sittin'.

[From the Cape Codder, June 9, 1960]

NATIONAL SEASHORE—THE DEBATE GOES ON

An informal and semispontaneous discussion of the national seashore issue was held at Truro Town Hall last Saturday morning with Congressman Hastings Keith placed in the role of both target and informant.

What surprised us was not that, after all these months, debate was still going on but that a good deal of the debate was not based on the facts.

Once again, for example, the cry was raised about the Federal behemoth invading the cape and taking the homes of the local folk. The fact, of course, is that the Saltonstall-Kennedy-Keith bill contemplates no such thing. The power of condemnation is suspended by that bill contingent upon the adoption of adequate zoning regulations.

Selectman Charles Frazier of Wellfleet raised the valid point that the towns should be advised by the Department of Interior what it considered adequate zoning regulations to be. But generally there still seems to be a lack of understanding of the fact that the S-K-K bill has considerably revised the original Park Service proposal. We are still debating issues that this bill resolved.

There was a rather transparent effort in some quarters at the Truro meeting to push for the taking of the whole town instead of the amount proposed. The reasoning was that the part of the town left out of the park would become so commercialized that it would be ruined. They pushed the Williamsburg idea. Since this proposal stemmed from strong opponents of the park it is reminiscent of that standard technique of killing legislation by extreme and absurd amendments.

Let's face it! Of course, the areas not included in the park are threatened by overcommercialization. But Architect Serge Chermayeff of Wellfleet put the problem in focus when he observed that the taking for the park was not a quantity problem but a planning problem. It will not be easy to adopt the planning measures which will be necessary. But it is absurd to be so defeatist as to refuse to accept the fact that we can plan for ourselves. We do not have to allow the area to become a recreation slum.

The real issue in the national seashore debate, it seems to us, remains the same. Opponents claim that the park will result in a wave of transient vacationists which will strain the cape's facilities. But, in view of the national population and transportation picture, these people in the years ahead will be coming to the cape anyway.

Isn't it better to have a national seashore to preserve the area in its attractive atmosphere, thus keeping the people coming, rather than letting the cape slide along the inevitable road to New Jersey or Revere Beach, a prospect from which the people eventually will turn away?

[From the Boston Herald, June 6, 1960]

CAPE COD SPRAWL

To return to Cape Cod after an absence of many years would be a shocking experience for any but the most insensitive person. Vast areas uninhabited

10 or 15 years ago have been entirely developed—often with no thought to the separation of residential and commercial uses. Country roads have been widened and paved, and many new roads bulldozed through virgin land. Quiet village centers, boasting only three or four stores, have expanded fivefold, and more.

But to return to the cape after a mere 12-month absence, as we did this past weekend, is an experience scarcely less disturbing. Familiar landmarks—a stately colonial, a fisherman's cottage, a stand of scrub pine—have simply disappeared in the intervening months. In their place are amusement centers, or bars with fatuous titles like "Anchor-In," or look-alike Cape Cod houses built much too close to one another.

Change, indeed, goes on right before the eyes of the weekend visitor. People are working overtime to destroy Cape Cod.

Of course, not all the new development is bad. Some individuals, and even some developers are building houses distinguished both in design and location. Some of the commercial development, too, is being done with taste and good sense.

But, in the main, the Cape is becoming a tourist trap to fit the late Bernard DeVoto's description of Route 1 in Maine—"a jerrybuilt, neon-lighted, overpopulated slum * * *, an uninterrupted eyesore of drive-ins, diners, souvenir stands, purulent amusement parks, cheap-jack restaurants and the kind of cabins that my companion described as mailboxes."

This sprawl will not stop itself. Nor will it be stopped by the good people of the cape, although their cooperation is essential in any endeavor to stop it.

Only the establishment of a Cape Cod National Seashore Park, as authorized in the pending "compromise" legislation filed by Senators Saltonstall and Kennedy, and Congressman Keith, can guarantee that the sprawl will be halted and at least some of its more atrocious inroads wiped out.

This legislation, as Natural Resources Commissioner Foster pointed out the other day, is now in danger. It is in danger not so much from opposition (although there is, of course, some of that) but from public apathy. The sense of urgency which accompanied the filing of the bill last fall has somehow been lost. And time is running out on this Congress.

Now is the time for a restoration of that sense of urgency. Not only should the bill's sponsors reiterate the need for its immediate passage in the most unequivocal language, but rank and file citizens who cherish the cape should make their views known to the Congress. (The appropriate Members of Congress to write to are: Senator James E. Murray, chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.; and Congressman Wayne N. Aspinall, chairman, House Committee on Interior and Insular Affairs, House Office Building, Washington, D.C.)

The President is for the bill. The entire Massachusetts congressional delegation is for it. State officials, from Governor Furcolo on down, are for it. Many Cape Codders who were originally against a national park on Cape Cod are now for it, inasmuch as it contains important safeguards for individual property owners.

Congress ought not to wait any longer to make the Cape Cod National Seashore Park a reality.

[From the Boston Record, June 3, 1960]

CAPE COD'S PARK

An appalling lack of interest rather than any organized opposition appears to be holding up congressional enactment of legislation to create the Cape Cod National Park.

So reports Charles H. W. Foster, Massachusetts commissioner of natural resources. The park legislation, House bill 2636, filed jointly by Senators Kennedy and Saltonstall and Congressman Keith, has the support of the Bay State's entire delegation in Congress. The park proposal has been endorsed by the President, the Secretary of the Interior, our Governor and our legislature.

Yet the bill is still stalled in committee. Commissioner Foster, expressing concern, urges everyone interested to take these three steps:

(1) Write Senator James E. Murray, chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C., and request his

committee to make a prompt and favorable report on the Cape Cod National Park.

(2) Write Congressman Wayne N. Aspinall, chairman, House Committee on Interior and Insular Affairs, House Office Building, Washington, D.C., and urge early hearings on the bill so Congress can enact it at this session.

(3) Contact your Senator and Congressman and ask their help in getting the legislation enacted.

Until the park is created, commercialism will continue to intrude on the cape's natural resources. If the cape's remaining beauty is to be preserved for future generations, Congress cannot act too soon.

[From the Falmouth Enterprise, May 31, 1960]

OUR SENATORS LEAD AS CAPE CHAMBER FALTERS

What has happened to the Cape Cod Chamber of Commerce?

Through the years it has provided leadership for the citizens concerned with preservation of the character of the neighborhood and control of its development. On many important occasions it has provided vision.

Of late leadership has faltered, vision has dimmed.

Directors endorsed the Nuclear Park project without finding out what it was all about. In face of mounting public concern they withdrew this endorsement, but remained on the fence. The chamber contributed nothing to the fight to save Cape Cod from a nuclear processing plant.

Now the chamber has asked Senators Saltonstall and Kennedy to postpone action on their cape national seashore bill. Its pitifully poor reason is it wants more time for study—after the project has been aired and studied for months.

The chamber spokesman says it won't have the technical knowledge to deal with the seashore proposal until the State legislature passes a bill providing experts for the cape on "economic development and land-use planning."

If the legislature doesn't pass this bill, what are the poor heads of the chamber going to do with no one to tell them what the cape needs and how to build the cape's future?

We can't imagine Admiral Bowles, the chamber's first president, or Walter O. Luscombe, Capt. Oscar Nickerson, of Chatham, or Don Trayser waiting for the State to tell them how to run their chamber. They were Cape Codders and chamber heads who knew how to provide leadership.

Fortunately the cape has this oldtime kind of leaders now in Senators Saltonstall and Kennedy. They have drafted a national seashore bill to provide protection for the cape and to promote the cape's future. They have the courage to go on with it despite the faltering chamber. Their reply to the chamber plea for delay is an answer and a rebuke:

"The only thing that delay and procrastination is sure to produce," the Senators write, "is further uncontrolled development of the lower cape and further uncertainty about its future."

In their letter the Senators repeat what so many thoughtful Cape Codders have already said:

"Population pressures are inevitable on the cape, no matter what happens to the Federal park proposal. This pressure can be controlled more effectively by attempting to preserve the cape and the life of its citizens for themselves and for the general public by establishing a park rather than by leaving the area open to these pressures, checked only by the municipal authority of the lower cape towns and by the varying inclinations of its citizens."

News from Chatham emphasizes the soundness of this judgment. Not long ago the selectmen wrote, "Nauset Beach is one of Chatham's most prized possessions." Now it is revealed that, in ignorance of the town's zoning law, the selectmen have issued 15 building permits for Nauset Beach and are debating whether they shouldn't issue 15 more.

Nauset is the only town-owned waterfrontage on the open ocean and Chatham selectmen are letting private ownership take it over. There could be no better indication of what would go on happening while the cape chamber fiddled—or why Senators Saltonstall and Kennedy are pressing for action on the national seashore bill.

PROVINCETOWN, MASS., *June 17, 1960.*

Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.:

Request urgently favorable consideration of Senate bill 2636. Cape Cod needs desperately national seashore park to prevent desecration and insure prosperity and conservation. Chairman of selectmen, John Snow, represents our views. Signed by property owners and taxpayers of Cape Cod:

June Gutzler, Robert Gutzler, Gail L. Perry, Donald J. O'Leary, Henry S. Brennan, Ralph Howard, Milford L. Murray, Iris Wilson, Herman Robinson, Malvin R. Baxter, Robert C. Maxwell, Barbara Hartman, Anthony Downey, Meda Howard, James V. Lunt, Richard Christopher, Marion E. Griffin, Aldona Stewart, Marie Camlin, Grace T. Buell, Richard Vearor, Anette Bergson, Frank Smith, Elizabeth Salvador, Theresa M. Salvador, Dorothy Simmons, Jay Kulish, Gloria Mederios, Ignatus Sutura, Joseph Silvia, William Warne, Stanley Warner, J. W. White, Helene Brandt, John Summer, Sebastian E. Rose, Raymond D. Ring, Dorothy Hammett, Milton Hedding, Helen Giles, William C. Griffin, J. B. Newman, Jere Snader, Edward Damming, Fred Taylor, Peter Hand, Ernest Desilva, Mary Desilva, Cecile A. La Rochelle.

CLEVELAND, OHIO, *February 10, 1960.*

Hon. WAYNE N. ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
House Office Building, Washington, D.C.

DEAR SIR: Recently there has been called to my attention a memorandum presented to the Subcommittee on Public Lands of the Senate Interior Committee, which purports to state the position of the town of Chatham, Mass., with reference to Senate bill 2636 now pending in Congress. Mrs. Kreger and I own property on Sears Point Road which is part of the town of Chatham, consisting of a residence and approximately 15 acres of land, which we use principally in the summer months, but which is in all respects suitable for year-round occupation. As domiciled residents of Ohio we, of course, have no voting rights in Chatham and there are many hundreds of other property owners in that town who are in the same general situation.

My principal reason for imposing upon your time is to make sure that your committee understands that the so-called statement of the town of Chatham does not by any means represent the unanimous opinion (or even necessarily a majority opinion) of its inhabitants or property owners, whether or not they have voting rights. As a matter of fact, we and many of the year-round inhabitants, as well as summer residents who have invested substantial sums in that area, are completely opposed to many of the recommendations contained in the selectmen's memorandum, at least as far as it opposes the transfer to the National Park Service of Monomoy Island, Stage Island, and Morris Island.

In essence the objections stated in the memorandum of the board of selectmen to the transfers of these islands seems to be based upon the assumption that the national parks of the United States are per se nuisances and that the administration by the National Park Service will make these areas a blight on the local community. From what we have seen of the operations of various national monuments and national parks, nothing could be further from the truth. On the contrary, we fear the real basis of the selectmen's attempt to exclude Monomoy, Morris, and Stage Islands from the park is based primarily on a desire to help private interests composed of the owners of these islands and certain local real estate agents, contractors, builders, etc. (See statement, first paragraph on p. 13.) If these areas are not made part of the national parks, plans are already in existence for the owners to cut them up into a large number of cottage sites for sale to the public. On this point let me say I know them, I like them, and I am heartily in favor of continued prosperity for all of these very people—but on a sound long-term basis.

It is interesting to note as a side light on the selectmen's statement (see statement, p. 9) that when the proposal for building the causeway from the mainland to Monomoy Island was submitted to the voters of Chatham, the selectmen on two separate occasions publicly stated that no public road would be permitted

on this causeway. In spite of this, as soon as approval for the causeway was obtained, the selectmen immediately planned and built such a road. Obviously, an approving vote secured by such tactics is to say the least suspect.

Although the statement alleges (p. 10) that the owners of Morris and Stage Islands in their proposed intensive development "have committed themselves favorably toward the town's program of marsh preservation to the end that the marsh, swamp, and low beach areas will be preserved in their natural beauty," the history of the causeway road just mentioned does not augur well for such restraint.

In the statement of the selectmen, considerable space (pp. 6-8) is devoted to arguing that while Monomoy is cut off from the mainland, Morris Island is not. I would like to point out that some of the recitals relating to this matter are so phrased as to give erroneous impressions. On page 6 at the end of the description it is stated "Monomoy is separated from Morris Island by a span of water about 300 feet wide at high tide." This certainly gives the impression that a channel of some dimensions exists at that point. This is further implied by a statement that "the location of the present passage between Morris Island and Monomoy Island must be reserved for the town of Chatham as the site of an alternate channel to be used if, as predicted, the present passage between Nauset and Monomoy becomes impassable."

The actual fact is that as of the present time the so-called passage channel is almost completely dry at low tide. If the 1959 map is supposed to be on an accurate scale, it is grossly inaccurate on this point. Even at the highest tide the only channel permitting small boats (with a draft of say 2 feet) to go through is about 6 to 10 feet wide, and was hastily bulldozed by local residents to avoid the long boat trip around Monomoy. Unless some real dredging operations at great expense are soon instituted the history of this shore, as shown on the maps submitted, indicates this tiny channel will be completely sanded up.

The biggest break of the last half century was the cut made by the 1944 hurricane between the mainland and Morris Island. Whether the present man-made dike and road across this stretch can withstand the next hurricane is still to be proved. The maps furnished with the selectmen's statement show the tremendous changes which the forces of nature have wrought in these sand bars in the last hundred years. Such changes will undoubtedly continue in the future and another hurricane (I have lived through several of them at Chatham in the last 15 years) may well repeat the cut-throughs of the past including the isolation of both Morris and Stage Islands once more from the mainland.

Two of the alleged hardships claimed by the selectmen are:

1. Overload on the Chatham roads by traffic to the islands;
2. Loss of \$50,000 per year in possible increased taxes on the proposed residential development of the islands.

As to the first objection, I venture to say that the necessary traffic to 74 (and possibly more) new residences which the statement indicates will be built on the islands will be as substantial as that attracted to the islands if they are left in their natural state as proposed by the Senate bill. The areas involved are small and their probable attraction to visitors is so different from the large national parks that the comparisons made by the selectmen to the Arcadia National Park in Maine and that in North Carolina seem completely unrealistic.

As to the matter of taxes, the additional taxes on the proposed real estate development will not in any event constitute net gain to the town, since a large part at least must be used for the roads, utilities, schools and general costs of the resulting increased population. On the other hand looking beyond to the long-term results, if by the conversion of these natural areas to thickly built housing the present atmosphere of the town is rendered unattractive to existing property owners, who now maintain residences there because of its natural beauty, a serious tax loss may occur. The selectmen's statement itself points out (supp. p. A) that at the present time Chatham has the largest per capita assessed valuation of any town in its population group by over \$1,000.

The selectmen's statement contains many sound recommendations with reference to the transfer of Nauset Beach to the national parks, the maintenance of a water passage through Nauset Beach to Pleasant Bay, the elimination of buildings (with minor exceptions) on Nauset Beach and the absence of public ferry service to that beach.

On the other hand, it is our belief, in which we know many of the residents join, that the most important part of Cape Cod National Shoreway plan, as it applies to the Orleans-Chatham region, requires the inclusion of Nauset Beach and

Norris, Stage and Monomoy Islands. They are the town's and the region's best showpieces and stabilizing assets.

To us, this attempt to put temporary questionable advantage ahead of long-term protection of an envied position seems another case of the fable about the greedy owner of the goose that laid golden eggs.

Very truly yours,

HENRY L. F. KREGER.

CHATHAM, MASS., *February 15, 1960.*

HON. JOHN F. KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: This letter presents the considered judgment of a group of men who expect to spend the rest of their lives in Chatham.

Some of us are residents of long standing, but most of us have retired here by choice after business or professional careers in other parts of the country. One thing we have in common is a deep affection for Chatham and a sincere concern for its future.

We believe that the territory to be taken in this area for the proposed national park should exclude Morris Island and Stage Island. It is not our purpose to review all of the arguments on this subject, because they have been presented to you from many sources in great detail.

You know this territory intimately through your own personal experience, although many of your fellow Members of the Congress are not so fortunate. It is our hope that you will make clear to them the acute importance of what appears as a very small spot on a large map.

We wish that the authoritative and very busy men in Washington who will ultimately decide this matter could realize that these two small, connected pieces of land are infinitely more valuable to the town of Chatham and to the Commonwealth of Massachusetts than they would be as a tiny increase in the vast acreage of the proposed national park.

If an important reason for the park project is to protect our coastal areas from the encroachments of carnivallike enterprises, you and your associates in this decision should know that such a thing has not even begun to happen in Chatham, and that the citizens of this town have the will and the authority to make sure it will never happen in any territory that is a part of Chatham.

We earnestly ask that you support our position and allow Chatham to retain Morris Island and Stage Island for the development already planned as fine residential property with a high tax yield to help finance locally the needs of a soundly growing community.

Respectfully,

John F. Brown, Stephen W. Brown, Russell G. Eldridge, Robert Thomson, Bernard W. Stevens, France E. Votaw, Robert A. Stanfield, Harry D. Ellis, Frank H. Dunbar, J. E. Wisner, Herbert L. Blood, James P. Keith, ———, Christie A. Eldridge, Robert E. Clayton, ———, Harry A. Bearse.

[From the Berkshire Eagle, June 10, 1960]

CAPE COD PROPOSAL BROOKS NO DELAY

It will be bad news for Massachusetts if Congress, in its pell-mell rush to break camp in time for the national conventions, takes no action on the bill to create a national seashore park on the outer shore of Cape Cod. For this is a bill that won't keep.

The reason it won't keep is evident to anyone who has seen at firsthand what the big boom in tourism has done to Cape Cod in the years since World War II. Already whole sections of the cape have been converted by the quick-profit developers into neon jungles of motels, amusement centers, and tourist traps.

Until now, most of the proposed park area—the magnificent great beach extending from Chatham north to Provincetown—has been spared from the despoilers. But the increasing pressure of population, combined with the completion of the midcape highway, has ended its immunity. The bulldozers are on the move; and unless preservation of the great beach is undertaken promptly, there will be very little left to preserve.

There is no good excuse for postponement. The entire Massachusetts congressional delegation is for it. So is the White House. And so is Governor Furcolo and the State department of natural resources.

More to the point, even the opponents of the park are in favor of a prompt decision. The opposition comes principally from the several towns that would lose taxable property to the Federal Government if the plan goes through. They are at least as anxious as the proponents to end the uncertainty that hangs over their heads as long as the issue remains unresolved.

With so little unspoiled seashore left to serve the increasing needs of a skyrocketing population, it would be a tragic thing if Congress rejected this golden opportunity to incorporate some 33 miles of spectacular shoreline into the public domain. But it would be even more tragic if the opportunity to do so were frittered away on the specious grounds that there wasn't enough time to consider a proposal that has been before Congress since the beginning of this session.

[From the Berkshire Eagle, Mar. 13, 1959]

"GREAT BEACH" FOR A NATIONAL PARK

For what it costs to build 8 miles of double-barreled highway, Massachusetts can have within its borders a 30,000-acre national park that could rival Yosemite and the other great natural treasures of the West as a magnet for tourists and a sanctuary of unspoiled scenic splendor.

This is the substance of a tremendously important report made public yesterday by the National Park Service after lengthy study of the proposal for Federal acquisition of the "great beach" area which stretches from Chatham to Provincetown along the spectacular forearm of Cape Cod. The report endorses the proposal as the only means of saving an area "so precious as to make its preservation the concern of all Americans."

These are strong words, but those who know the outer cape region well will not consider them an overstatement. The 40 miles of coastline in the proposed park are among the most impressive on the Atlantic seaboard, whether measured by their natural beauty or their interest to naturalists, geologists, and sportsmen. The adjacent hinterland that would be included in the land taking abounds in fresh water ponds and borders on villages rich in New England charm and history.

But what makes this area most precious of all is the remarkable fact that it is now within 1 day's automobile drive of one-third of the population of the United States. It is almost miraculous that such an unbroken stretch of ocean beach is still in large part undeveloped. To fail to set it aside for the public now, before it is lost forever through commercial exploitation, could properly be termed a crime against future generations.

The Park Service estimates that the cost of acquiring this land would be approximately \$16 million—about the cost of building a Miami Beach luxury hotel—and that less than \$1 million more would be needed to make it fully accessible to the countless visitors who would use it. A decade ago, it could have been obtained for perhaps half that price. A decade hence it will probably be unavailable at any price.

Yesterday the Park Service recommendations were enthusiastically endorsed by Massachusetts Conservation Commissioner Charles H. W. Foster, who pointed out that only 25 miles of this State's 2,000-odd miles of salt water coast are now publicly owned. A bill authorizing the park is already being prepared by the Massachusetts congressional delegation. Even on the outer cape, where there is understandable concern about foregoing of local tax revenues that would be gained by commercial exploitation rather than public ownership, there is substantial support for the plan, especially in view of the assurances that persons already living in the proposed park area would have lifetime tenure in their homes.

Nonetheless it is being predicted that the \$16 million price tag will block congressional action for the present and perhaps indefinitely. We trust that this State's spokesmen in Washington will join the Park Service and conservationists everywhere in a concerted drive to prevent such indefensible penny wisdom from frustrating the acquisition of a potential national asset that would be a bargain at many times the price.

[From the North Adams Transcript, Mar. 12, 1959]

SAVING CAPE COD

The outer beach of Cape Cod still is one of the grandest and most beautiful natural areas in the United States, in spite of the building and commercialization that has already spoiled much of it.

Stating the case for rescue, the Park Service report said: "Even now the still unspoiled great beach is vanishing under building. It is time to set aside, preserve, and protect the last of the 'old' cape so that the inspiration of its surpassing beauty can be kept intact and handed down to future generations of Americans."

A national seashore is essentially the same thing as a national park, with beach. There is only one other, Cape Hatteras. In the 1930's, the Park Service proposed the creation of national seashores in 12 places. One of them was Cape Hatteras. In the words of a Park Service official, "The rest have vanished."

The great beach at Cape Cod should not be permitted to vanish. The only effective way to save it is to make of it a national seashore. The Park Service has cited the reasons why in its report. Why the Interior Department does not lend its full weight and prestige to the proposal is impossible to understand.

[From the Springfield (Mass.) Union, June 13, 1960]

NATIONAL PARK PLANS FOR CAPE COD

Only prompt action by Congress can save the proposed national park at Cape Cod. So says Commissioner of Natural Resources Charles H. W. Foster.

Speaking before the Northeastern Resources Committee at Harwichport Friday, Mr. Foster called attention to the continuing encroachment of private development on the great outer beach of the cape, a 30-mile stretch which he described as "the prime remaining stretch of unspoiled beach on the entire Atlantic coast." Congressional action this year, he declared, might furnish the last chance to preserve this littoral in its natural state for all time.

Today, immediacy is the key factor in the acquisition of public land for park purposes, especially in the more populous States, like Massachusetts, to which the tourist industry represents a primary economic asset. The demands of private development are gobbling up land at a rapid rate. And obviously if land suitable for public parks is privately developed, it is economically almost impossible to seize it later because of the fantastically high costs of purchase involved in the takings. Imagine, for instance, the cost of buying the Provincetown area for the establishment of a national park at the tip of the cape.

There are opponents of a national park on the cape; some towns fear the loss of tax potential with the coming of a Federal reservation. Yet this attitude, we feel, represents the short view. It seems certain that a national park on the cape will prove a tourist mecca of vast importance to the entire area and to the rest of the State as well. Such a park would enhance the Massachusetts tourist industry greatly and would place it on a better competitive basis than it now enjoys with other vacation areas which do have great tracts of public park land, preserved in their natural state and free from crowded resort developments.

We agree with Mr. Foster; if it isn't done now, it probably never will be done. Hence, quick and decisive action by Congress is necessary if Massachusetts is to have a great national park. Encroachment is increasing. Once it is completed, a park on the outer beach will be out of the question, for there appears little doubt that the tremendous cost of acquiring developed land would compel the Federal Government to drop the project for good.

